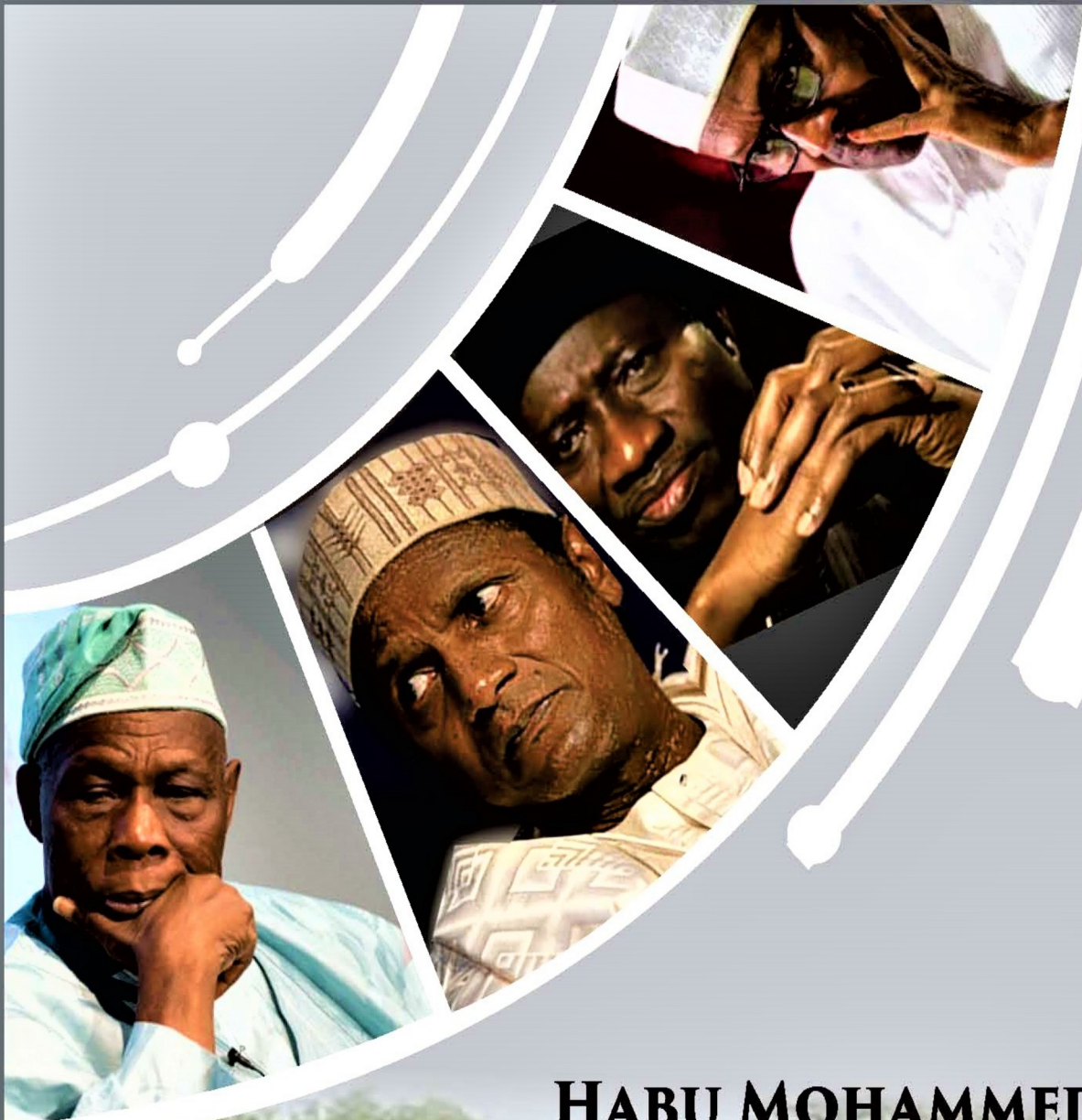# THE DILEMMAS OF DEMOCRACY

Civil Society and Development in Nigeria's Fourth Republic

THE DILEMMAS OF DEMOCRACY

Civil Society and Development in Nigeria's Fourth Republic

Habu Mohammed

Foreword by

ATTAHIRU MUHAMMADU JEGA, *OFR*

DEDICATION

To the memory of:
Professor Abubakar Momoh (1964 - 2017)

ACKNOWLEDGEMENTS

All praise goes to Allah, the Beneficent and the Merciful and in whose wisdom, guidance and support this work has seen the light of the day. I would also like to thank my mother, whose daily prayers, goodwill and sacrifice for my success in life and thereafter always encouraged me to work hard and overcome the challenges of life. May Allah give her maximum health and reward.

The papers that appear as chapters in this book span over two decades of Nigeria's democracy and, by extension, the author's academic engagements in teaching, research, conference, workshop and seminar participation locally and internationally. Throughout these years, the author has had good personal contacts with scholars and students, who encouraged him either by their critical reviews of his scholarly writings or by way of giving him a pat on the back for his contributions to knowledge production. They all deserve sincere acknowledgement in this book.

I would like to thank Professor Attahiru Muhammadu Jega *(OFR)* for his mentoring and the role he played in exposing the author to the constant search for knowledge in the area of political economy and social science discipline in general. His guidance and approach to me during my BSc., MSc. and later PhD programmes at Bayero University, Kano, have been very beneficial. He has nurtured academic discipline, hardwork and professionalism in me, which I always cherish. It is an understatement if I say I am profoundly indebted to Prof. Jega.

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FOREWORD

The return to democracy in Nigeria after almost three decades of military authoritarian rule has produced two related euphoria in the minds of Nigerians. First, there was the joy of witnessing the end of nauseating authoritarian tendencies and misrule, which by then had taken a serious toll on the country's ability to nurture and develop democratic institutions. The second euphoria was predicated on the expectation that the new 'democratic' government would turn around the country's ominous past leadership trajectories and engender peace, unity, good governance and development. If one is to sum up these expectations within the context of the two decades of continuous transition from one civilian government to another, it could be surmised that by 2019 Nigeria would have been the biggest democracy not only in Africa but also among the so-called Third wave democracies.

Regrettably, two decades of civilian rule (1999-2019) have produced a disturbing profile in various sectors of the society, including citizens' expectations on the mode of governance that raised, in the first instance, their hope that all would be all right at the end of military rule. The past twenty years have created a generalised crisis of rising expectations, particularly as democratic institutions continued to exhibit weaknesses in meeting the democratic aspirations of the people. Though progress has been achieved in some respects, to a greater extent the epileptic process of nurturing a virile democratic culture has a rolling back effect on the development of democratic institutions. Political parties are today a reflection of their forebears; they do not change the narratives of the past dispensations. At the apex of the sorry state of political parties is the phenomenon of rising undemocratic practices, which have thrown the lifeline of party politics into civilian autocracy with a high manifestation of weak or no internal democracy.

Despite improvements in electoral credibility following the 2015 general elections, which were rated locally and internationally as free, fair and credible, signs of a drawback are evident. The legislature has failed to become a robust institution with evolving

tradition of accountability. Instead, corruption has become the perceived and real threat to the institution. Transparency and accountability elude the executive at various levels of administration. This is largely because of the erosion of the principle of the rule of law in the practice of governance.

The role of the security agencies leaves much to be desired. Exhausted by Boko Haram insurgency in the North-east, engagement with the militants in the South-south and the herdsmen versus farmers' conflicts in the North-central states as well as kidnappings and armed banditry on local communities and villages in the North-western states of Kaduna, Zamfara, Katsina and Sokoto have remained unabated. At another level, the two decades of civilian rule have witnessed a series of threats of varying propositions to the corporate existence of the country due to the resurgence of ethno-religious, communal and political violence. Old social vices rear their ugly heads and compound the existing ones with frightening dimensions, while relatively new ones, such as kidnapping for ransoms and attacks on civilian communities, are on the increase.

Furthermore, despite the huge amount of petrodollars the country realised from the sale of crude oil, particularly in the first and second quarters of the year 2000, corruption and the mismanagement of resources have cast a serious doubt on the ability of the Nigerian state to bridge the yawning gap between the rich and the poor. Worse still, the framework of national economic policies is hinged on neo-liberal policies, with their high emphasis on rolling back the state and the privatisation of public enterprises. Moreover, the capacity of the Nigerian state to generate employment has been weakened by the economic recession in 2016/2017 against the backdrop of dwindling prices of oil.

This book, *The Dilemmas of Democracy, Civil Society and Development in Nigeria's Fourth Republic*, presents the author's perspectives on the critical challenges, which have bedevilled the country since the return to civilian rule in 1999. It arises from his academic engagements and the search for answers to bewildering

questions that have been raised about the dilemmas of democracy, civil society and development in Nigeria. The author has analysed and explained various dimensions of the crisis of governance in Nigeria's Fourth Republic. The contributions of the Civil Society Organisations (CSOs) in the promotion of democracy on issues that cover good governance, corruption and public accountability as well as credible elections have been elaborately examined. Other issues addressed in the book include: the critical examination of the trend of inconclusive elections in the aftermath of the 2015 general elections as well as the challenges of political parties in Nigeria. Factors that exacerbate youth vanguardism and the role that they could play in ensuring peaceful co-existence and support for the electoral process are also appraised. The series of conflicts involving herdsmen in the North-central states are also subjected to critical examination. Likewise, the question of whether CSOs and political parties can harmoniously co-exist in the search for credible elections and the question of massive party membership defections are examined by the author.

Therefore, this contribution explores the travails of democracy in Nigeria. I, therefore, recommend the book for wider readership and reference.

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PREFACE

The return to civilian rule in 1999 was a watershed in Nigeria's political history. It terminated the era of military authoritarianism and offered another opportunity for the citizens of the country to participate in the decision-making process, after the failed attempts at institutionalising the practice of representative government, through the periodic selection of their leaders democratically. It was expected that henceforth Nigeria, a country with a huge potential of becoming a leading democratic nation in Africa, would systematically build democratic institutions, effectively manage the complex challenges of pluralism, overcome corruption and address the yawning gap between the rich and the poor through political, economic, social and administrative reforms. No doubt, in the past twenty years of the return to 'democracy' Nigeria has passed through some trying periods. In general, the country's track record in sectoral transformation and the empowerment of its citizenry leaves much to be desired.

The Dilemmas of Democracy, Civil Society and Development in Nigeria's Fourth Republic provides a deeper reflection on the country's trajectories for the first twenty years and covers some topical issues critical to the development of the country. Within the context of the democratisation process, the book addresses the dilemmas of building democratic institutions and lays bare the contradictions between the policy framework of the state and citizens political, economic and social empowerments. At the heart of these dilemmas is the existence of a weak institutional capacity to evolve the practice of public accountability, transparency and the rule of law. Compounded by the lingering insecurity in some parts of the country and the crisis of governance, which have plunged the country into an unending search for quintessential leaders, Nigerian democratisation represents a typical case of democratic change dampened by the ego of the country's political class.

Chapter One establishes a nexus between the paradigm of Nigeria's economic policies, which hinges on liberalisation, and the crisis of rising expectations these policies have created in the minds of the citizens. It casts doubt on the ability of neo-liberal policies to sustain

independent economic policies and empower the Nigerian society. Central to the argument made in the Chapter is that those policies are not fair dividend for the people of Nigeria, who for a long time have been yearning for a democratic system that could thwart the consistent adoption of the neo-liberal IMF/World Bank recommended packages that are aimed at "rolling-back" the state in the determination of major public sector economic decisions.

Building upon the arguments made in Chapter One, Chapter Two argues that regardless of the much-cherished global agenda as contained in the Millennium Development Goals (MDGs), good governance would continue to elude the country unless economic development policies are people-centred and implemented with a human face. Therefore, the global agenda of reducing poverty, creating employment opportunities, education for all etc. policies have to be embarked upon by leaders that have with them the qualities of good governance the main attributes of which are public accountability, adherence to the rule of law and responsive and responsible leadership, among others. Hence, bad governance is at the heart of the missing link between the global agenda and the ability of the country's incipient democratic governance to ensure a sustainable process of economic development.

Chapter Three reviews Nigeria's national development since independence and argues that its process has been epileptic because it has been associated with some fundamental ironies. Central to the contradictions of the economic development initiatives have been the abandonment of the agricultural sector following the discovery of oil and its contribution to the Gross Domestic Product (GDP), the neglect of the industrial sector and the culture of graft within the domain of the public sector. The author argues that the roadblocks to Nigeria's development owe their antecedents to the dependent neo-colonial nature of its economy; but it is essentially propelled by corruption and crass manifestations of primitive capitalist accumulation in a neo-patrimonial, neo-colonial and rentier state. These factors, among others, thus far create what the author calls crisis of rising expectation in Nigeria's national development.

Ten years of civilian rule in Nigeria, provided the opportunity for stakeholders to assess the journey so far; the milestones achieved and the limitation encountered. This assessment, made in Chapter Four, sums up the dilemmas of Nigeria's journey after ten years of civilian rule from three inter-woven contradictions: civil rule and contradictions between the institutions of democracy and expectations of the enrichment of democratic values; civil rule and contradictions between expectations of good governance and the realisation of democratic dividends; and civil rule and contradictions between the democratic process and democratic consolidation. The chapter concludes by arguing that the process of building democracy in the country has a long way to go for it to reach the final consolidation stage.

Human rights Non-Government Organisations (NGOs) are known for their resilience and consistent advocacy under military rule. What has been their track record since the return to civilian rule in 1999? This question is answered in Chapter Five where the author captures the performance of human rights NGOs and what he describes as the politics of constructive engagement in the Fourth Republic. Specifically, within the context of seven years of the return to civilian rule and the activities of the Civil Liberties Organisation (CLO), the Chapter explores the weakest links in human rights struggles following the end of the military authoritarian rule at the tail end of the 1990s. Predicated on the need to work within the democratic processes or what, in the civil society circle, is considered as 'constructive engagement', human rights NGOs changed strategies and tactics. The change goes with its feeble performance in their mandates, a situation which was compounded by several factors, such as change in the paradigm of donor support, the pursuit of existential means of survival by some human rights activists and the difficulty of making a difference between human rights violation and politics.

The role of the Nigerian Bar Association (NBA) is discussed in Chapter Six. The chapter, while noting the centrality of the NBA as an association of lawyers, highlights the important role of the association by arguing that it can serve democracy better in the area of setting an agenda for political and constitutional reforms. Unlike

in its yesteryears during the period of military rule when it formed a coalition with other Civil Society Organisations (CSOs) and vigorously pursued campaigns for human rights and the rule of law; such a coalition is still needed with the return to civil rule without being adversarial. It also sees the activities of the NBA as pivotal to democratisation, when it is assertive and upholds the virtues of honesty, dedication, transparency and responsiveness to issues of good governance for democratic consolidation.

The search for good democratic governance is one of the major cardinal objectives of developing democracies. Nigeria is no exception to this rule. Therefore, in order to map out the important role of CSOs in ensuring good governance, Chapter Seven explores the contributions of the CSOs on how Nigeria could achieve good governance since the return to civilian rule. The Chapter notes that the search for good governance is not a new role for CSOs; however, such responsibility has become laudable and inevitable in a democratic system that is being run with a weak institutional capacity to adapt to democratic ethos. This explains why between 2007 and 2014 CSOs were able to prod the state and interrogate it over issues surrounding good governance, public accountability, human rights, security, political reform of the electoral process among other pivotal issues to the institutionalisation of democratic practices.

What relationship do CSOs have with political parties in ensuring a free, fair and credible electoral process in Nigeria's 2015 general elections? This question has been constructively answered in Chapter Eight. The chapter opens by reviewing the objectives of each institution and argues that their dividing line lies in the goal of each, which profoundly differs and is irreconcilably opposed to each other on the issue of the purpose of election. Whereas the role of CSOs in the electoral process in Nigeria's 2015 general election was driven by the need to deepen the sanctity of the elections and garner political legitimacy to the process, political parties were geared towards winning election as an end in itself. Both institutions are stakeholders in the electoral process and its legitimacy but the CSOs

are more of willing partners in the electoral process than the political parties.

The dislodgement of the People's Democracy Party (PDP) from power in 2015 brought with it a new government that broke the jinx of the party's dominance of the country's political space for sixteen years. The years of PDP control of power were characterised by obvious limitations, but the one that was outstanding is corruption. Chapter Nine examines the cardinal objectives of the new ruling party, the All Progressives Congress (APC), which revolves around fighting corruption in what the government called the 'change mantra'. How has the 'change mantra' changed the past narratives on corruption in Nigeria? What role do the CSOs play in ensuring that the government's pathway to fighting corruption is not crippled by those that always ensure that corruption fights back? What are the limitations of the so-called anti-corruption NGOs in keying into the change mantra of the new government? What are the measures to adopt by CSOs in ensuring the effectiveness of their continued fight against corruption? The author raises and answers many of such questions in the chapter.

Chapter Ten examines the reform of Nigeria's political environment for a hitch-free conduct of elections. It, among other things, discusses the centrality of elections in the country's democratisation process and reaffirms the need for reforming the political and legal frameworks of elections. The chapter stresses the imperatives of reforming the electoral process to overcome the crisis of political legitimacy, eliminate electoral violence and remove inadequate electoral laws that create a myriad of electoral inconsistencies in the country. It concludes by pointing out that achieving a hitch-free election and ensuring its credibility is not an exclusive role of the Independent National Electoral Commission (INEC) alone, but a multi-stakeholder undertaking. This is because the democracy project is never the sole monopoly of a single institution: it requires the combined action of the state, the society, the electoral umpire, the political parties and their members, the security agencies, community leaders and local and international partners.

What benefits do violence-free elections have to building a peaceful democratic society? This question is answered in Chapter Eleven. Recognising the phenomenon of electoral violence as a recurrent decimal in Nigeria's electoral cycle, the chapter examines the conduct of elections in the country's political history and posits that if the experience of electoral violence is anything to go by, it is indicative of a serious deficit in political tolerance and accommodation. Citing examples from other democratising states in Africa and elsewhere with low or the near absence of political violence, it is argued that Nigeria has to learn the rope of democracy for the country to take a lead as the biggest democracy in Africa. Specifically, the chapter points out that one of the outstanding legacies of political violence in Nigeria is its threat to government's legitimacy, which invariably affects governance and political accountability.

Chapter Twelve focuses on a particular case of political violence, which has spanned over several decades in Nigeria and is becoming a serious threat to political participation. This is the challenge of political assassination, which poses a threat to democracy and has been on the increase since the birth of the Fourth Republic. The threat of political assassination to democratic development in Nigeria is profound. The chapter interrogates why many of the established cases of political assassinations have remained unresolved. The chapter notes that apart from keeping away the finest citizens from partaking in politics, the phenomenon is a serious threat to democracy because it shows the extent of the 'political dirtiness' of the game of politics in Nigeria.

Thus, in view of the long established culture of political violence in the country, particularly before, during or after general elections, Chapter Thirteen searches for ways to address the challenge in the build up to the 2011 general elections. The chapter starts by examining the term political violence and its various propensities in Nigeria. It also situates it within the context of the electoral process as an integral part of the wider concept of politics of do-or-die, whose nature is determined by the insatiable quest for power and privilege among the country's political class. The economic stakes

of politics increase the tempo of competition for power to the state in which politicians utilise the use of the instrumentalities of violence at their disposal to achieve their ends. Therefore, in order to avoid political violence in elections, the chapter recommends, among others, that the material gains of politics have to be re-examined. Politics needs not to be expensive and public office should be seen as a position of trust not an avenue of making money and quickly getting rich. Similarly, the enabling laws, particularly the provisions of the Electoral Act on political thuggery, hate speech and slander, have to be enforced to address the question of provocative utterances that could lead to electoral violence.

In Chapter Fourteen, the successes of the 2015 general elections are examined. The chapter begins by reviewing the general background to the election and argues that the success of the elections was not unconnected with the electoral reforms initiated by the electoral umpire and the contribution of national and international stakeholders. The fact that the elections were regarded by Nigerians, development partners and independent monitors as free, fair and credible is what accords political legitimacy to the government that came into power in 2015. If the 2015 general elections are anything to go by, the chapter argues, Nigeria's electoral process has been put on the pathway to recovering from the misfortune of the past. Finally, the chapter calls for the systematic consolidation of the gains of the elections and the effective handling of whatever challenges are encountered for the success of future exercises.

The spate of inconclusive elections in the aftermath of the 2015 general elections in Nigeria has been cited as one of the dangers ahead of the current and future electoral process. Chapter Fifteen examines the causes of inconclusive elections and how to overcome the experience. The chapter examines the theoretical and empirical cases of inconclusive elections around the world and their impact on deepening democracy. It is recommended that short and long run measures are needed to overcome the recurrent challenges in the conduct of elections that lead to inconclusive elections. No doubt, the experience of inconclusive elections reverses the gains of the progress made in the 2015 general elections and is likely to endanger democracy and its consolidation in Nigeria.

Chapter Sixteen is on the role youth in Nigeria can play to promote democracy, provide peaceful co-existence and support the electoral process. Considering their disposition as mobilisers and spirited citizens full of enthusiasm and interest in their future, the youth are identified as the vanguards of democratic change and agents of peace building in Nigeria. The chapter makes a distinction between organised and unorganised youths. The role of the former as civil society activists is regarded as the veritable climate of deepening democracy and peaceful coexistence. The role of a segment of the latter is often associated with thuggery, negative political vanguardism and the perpetuation of electoral violence. Therefore, the chapter emphasises that for the youth to occupy a central role in the democratisation process, they have to take on their participatory, mobilisational and civic roles seriously. In addition, they are expected to overcome the advances of reckless politicians and take the enduring task of nation-building.

Both in terms of the organisation, ideology, discipline, leadership and understanding of the purpose and goals of democratic values, political parties in the country occupy a back seat. Chapter Seventeen x-rays their dilemmas in Nigeria with a special focus on the existing theoretical models to the understanding of their conduct, character and dynamics. Therefore, the chapter also focuses on what political parties are supposed to have and what not to do in order to make their organisation an effective instrument of mobilisation, political education, interest articulation and aggregation, among their coveted functions.

Indeed, a situation whereby political party defections have become the norm in Nigerian politics is also identified as a serious hindrance to building strong political parties with conventional standards of ethics, strength and discipline. In view of these challenges, Chapter Eighteen is devoted to investigating the spate of party defections that accompanied the build up to the 2015 and 2019 general elections. Although regarded as a normal practice, the defection of party members to another party has become a disease when political parties have not developed the internal conflict resolution mechanisms to settle internal conflicts and prevent members from

abandoning their political umbrella. The chapter avers that the political ambition of politicians and their voracious quests for power have made defections a ritual in the build-up to general elections and thereafter. One of the consequences of such proclivity for power, fame and wealth makes it possible for political *dramatis personae* in the country to jettison ideology, if any, disparage themselves as power drunk and eventually defect countless times from one party to another shamelessly within a short span of time. Political defection has become an albatross that hangs around the neck of democracy in Nigeria.

In Chapter Nineteen, Inter-Governmental Relations (IGR) are examined within the context of American federalism, which is compared with what obtains in Nigeria. The chapter highlights the attributes of IGR from the theoretical and empirical principle of coordinate and an independent power of the various levels of government in a federal state and posits that Nigeria has to learn from the US model. The American model respects the constitutionally-guaranteed autonomy given to each tier of government while also facilitating desirable horizontal and vertical relationships among the various jurisdictional spheres. One of the underlying defects of federalism in Nigeria has been the over-reliance of the constituent units on the national government for financial support. Therefore, the nature of IGR in Nigeria is skewed, epileptic and in some cases dotted with spots of the usurpation of the powers of local governments by states or those of the latter by the federal government.

Nigeria's turbulent federalism is examined in Chapter Twenty. The chapter examines the case of the 'native' versus 'settler' conflict in Jos, Plateau State. It is argued that the unending inter-group conflict is a typical illustration of how the national question in Nigeria is tearing apart her corporate existence. As a major national question, it is argued that the conflict in Jos is multifaceted, deep-seated and a reflection of the contradictions of nationhood, which must be resolved either through the constitutional process or the use of appropriate conflict resolution mechanisms that would adequately take care of the indegeneity question. This can be achieved through

inter-group tolerance and accommodation, justice, equity and fairness in resource allocation and the decision making process regardless of state of origin, religion, culture, place of residence or tribal affinities.

The incessant inter-group conflicts between herdsmen and farmers are examined in Chapter Twenty-one. Like the conflicts in Jos, herdsmen versus farmers conflicts are another dimension of the volatility of a plural federal state like Nigeria. It has its historical, political, economic and socio-cultural dimensions. The lingering existential conflict between the Fulani pastoralists and farmers has been fuelled by the politicisation of social division, leading to a xenophobic relationship, massive killings and loss of property, particularly in the North-central states of Nassarawa, Benue, Plateau and some parts of Kaduna States. Complicated further by the downturn of the Nigerian economy and its attendant unemployment, frustration and anger, the conflict is a serious danger to Nigeria's search for unity, peace and prosperity. Therefore, the chapter examines the causes, nature, dynamics and consequences of the conflict on inter-group peace and national security.

The Boko Haram conflict in Northeast Nigeria has attracted national and international responses that are directed at peacebuilding through reconciliation, rehabilitation and development. Chapter Twenty-two examines the condition of the conflict-ridden Northeast and argues that the plight of its inhabitants justifies massive recovery intervention. Specifically, the chapter highlights the challenges of reconstruction, reintegration and rehabilitation with emphasis on what can be done to address the deteriorating condition of the people, particularly the Internally Displaced Persons (IDPs). It concludes that unless consistent efforts toward rebuilding the region are urgently made, social fragmentation and its associated impact on the living condition of the affected victims of the conflict are likely to endanger any efforts directed at reintegration. The chapter also calls for good governance, coordinating stakeholder intervention and monitoring and evaluating the progress in the fight against the Boko Haram insurgency as the pathway to rebuilding hopes in the region.

Chapter Twenty-three interrogates the nature and dynamics of the human rights practice of President Muhammadu Buhari's first four-year term (2015-2019). It raises and answered the following fundamental questions: what has gone wrong with a government that promised a change from "business as usual" in the art of governance, but sometimes shortchanged its citizens on human rights? What dilemmas of governance did the leadership face that necessitated the embarrassing state of human rights in the four years of the regime? What are the lessons of human rights abuses by the Nigerian state in the year under study? Accordingly, the chapter argues that governance in the face of violating the rights of the governed or any of its sections only furthers the frustration of the government and damages public trust and raises some question marks on the credibility of democratic principles purportedly said to have been upheld by the government.

On the whole, this book is both historical and a contemporary account of Nigeria's challenges to achieving transition to consolidated democracy since the return to civilian rule in 1999. It is an exploration into the major factors that hinder the realisation of maturity in the country's journey to democratic sustenance. With a blending of the theoretical and empirical cases of analyses ingrained in the political economy approach, the book is expected to appeal to a wider readership and contribute to knowledge and a better understanding of democracy and the democratisation process in Nigeria.

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ACRONYMS

AAN	-	Action Aid Nigeria
ABN	-	Association for Better Nigeria
AC	-	Action Congress
ACB	-	African Continental Bank
ACF	-	Arewa Consultative Forum
ACIR	-	Advisory Commission on Inter-Governmental Relations
ACN	-	Action Congress of Nigeria
AD	-	Alliance for Democracy
ADC	-	African Democratic Congress
ADPs	-	Agricultural Development Projects
AG	-	Action Group
AIDS	-	Acquired Immune Deficiency Syndrome
AIT	-	African Independent Television
ANEEJ	-	African Network for Environment and Economic Justice
ANPP	-	All Nigeria Peoples Party
ANWF	-	Arise Nigerian Women Foundation
APC	-	All Progressives Congress
APGA	-	All Progressives Grand Alliance
ASUU	-	Academic Staff Union of Universities
ATM	-	Automated Teller Machine
ATP	-	African Timber and Plywood
BCC	-	Benue Cement Company
BMPIU	-	Budget Monitoring and Price Intelligence Unit
BPE	-	Bureau of Public Enterprises
BPP	-	Bureau of Public Procurement
CA	-	Corruption Anonymous
CAC	-	Corporate Affairs Commission
CAN	-	Christian Association of Nigeria
CAPP	-	Community Action for Popular Participation

CASE	-	Content Aggregation System for Election
CBI	-	Convention on Business Integrity
CBN	-	Central Bank of Nigeria
CBOs	-	Community Based Organizations
CD	-	Campaign for Democracy
CDHR	-	Committee for the Defence of Human Rights
CDRT	-	Centre for Democratic Research and Training
CIDA	-	Canadian International Development Agency
CISLAC	-	Civil Society Legislative Advocacy Centre
CITAD	-	Centre for Information Technology and Development
CLO	-	Civil Liberties Organization
CMMRC	-	Conflict Mitigation and Management Regional Council
CNC	-	Congress for National Consensus
CNPP	-	Conference of Nigerian Political Parties
CPAN	-	Community Peace African Network
CPI	-	Corruption Perception Index
CRD	-	Centre for Research and Documentation
CRP	-	Constitutional Rights Project
CSOs	-	Civil Society Organizations
CSPN	-	Civil Society Pro-Democracy Network
DA	-	Democratic Alternative
DCHR	-	Danish Centre for Human Rights
DFID	-	Department for International Development
DGGP	-	Democracy and Good Governance Project
DPN	-	Democratic People's Party

DPNC	-	Democratic Party of Nigerian Citizens
DSS	-	Department of State Service
ECA	-	Economic Commission for Africa
EFCC	-	Economic and Financial Crimes Commission
EIE	-	Enough is Enough Nigeria
EMC	-	Executive Management Committee
ERC	-	Electroral Reform Committee
EWS	-	Early Warning Signals
FA	-	Federation Account
FAAN	-	Fulbright Alumni Association of Nigeria
FCC	-	Federal Character Commission
FCT	-	Federal Capital Territory
FDI	-	Foreign Direct Investment
FEC	-	Federal Executive Council
FEDECO	-	Federal Electoral Commission
FOI	-	Freedom of Information
FRCN	-	Federal Radio Corporation of Nigeria
GDM	-	Grassroots Democratic Party
GNP	-	Gross National Product
GNPP	-	Great Nigerian Peoples Party
HDI	-	Human Development Index
HEDA	-	Human and Environmental Development Agency
HIV	-	Human Immuno deficiency Virus
HR NGO	-	Human Rights Non-Governmental Organization
HRAN	-	Human Rights Writers Association of Nigeria
HRCEP	-	Human Rights and Civil Education Project
HRM	-	Human Rights Monitor
HRVIC	-	Human Rights Violation and Investigation Commission
HURILAWS	-	Human Rights Law Service

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ICC	-	International Criminal Court
ICPC	-	Independent Corrupt Practices Commission
IGR	-	Inter-Governmental Relations
IGR	-	Internally Generated Revenue
ILO	-	International Labour Organization
IMF	-	International Monetary Fund
IMPACT	-	Integrity, Mobilization, Participation, Accountability, Anti-Corruption and Transparency
INEC	-	Independent National Electoral Commission
ING	-	Interim National Government
IPOB	-	Indigenous People of Biafra
JACON	-	Joint Action Council of Nigeria
JDPC	-	Justice Development and Peace Commission
KRPC	-	Kaduna Refinery and Petrochemical Company
LDP	-	Liberal Democratic Party
LEPAD	-	Legal Defence Assistance Project
LGAs	-	Local Government Areas
LNAC	-	Lawyers Network Against Corruption
LYM	-	Lagos Youth Movement
MAN	-	Manufacturers Association of Nigeria
MASSOB	-	Movement for the Sovereign State of Biafra
MDAs	-	Ministries, Department and Agencies
MDGS	-	Millennium Development Goals
MEND	-	Movement for the Emancipation of the Niger Delta
NAC	-	National Advisory Council
NADECO	-	National Democratic Coalition
NADL	-	National Association of Democratic Lawyers
NAF	-	Nigeria Air Force

NAFPP	-	National Accelerated Food Production Programme
NAPEP	-	National Poverty Eradication Programme
NASS	-	National Assembly
NBA	-	Nigerian Bar Association
NCAA	-	Nigeria Civil Aviation Authority
NCC	-	Nigerian Communications Commission
NCF	-	National Consultative Forum
NCLSD	-	Nigeria Centre for Leadership, Strategy and Development
NCNC	-	National Council of Nigerian Citizens
NCP	-	National Council of Privatization
NCPN	-	National Centre Party of Nigeria
NDBDB	-	Niger Delta Basic Development Board
NDDC	-	Niger Delta Development Commission
NDP	-	National Democratic Party
NDPVF	-	Niger Delta Volunteer Force
NED	-	National Endowment for Democracy
NEEDS	-	National Economic Empowerment and Development Strategy
NEITI	-	Nigeria Extractive Industries Transparency Initiative
NEPA	-	National Electrical Power Authority
NEPU	-	Northern Elements Progressive Union
NGOs	-	Non-Governmental Organizations
NITEL	-	Nigerian Telecommunications Limited
NJ	-	Network for Justice
NLC	-	Nigerian Labour Congress
NMA	-	Nigerian Medical Association
NNDP	-	Nigerian National Democratic Party
NNPC	-	Nigerian National Petroleum Company
NPA	-	Nigeria Prosecution Agency

NPC	-	Northern Peoples Congress
NPN	-	National Party of Nigeria
NPP	-	National Patriotic Party
NPSA	-	Nigerian Political Science Association
NRMAFC	-	National Revenue Mobilization, Allocation and Fiscal Commission
NSCDC	-	National Security and Civil Defense Corps
NTA	-	Nigerian Television Authority
NUJ	-	Nigerian Union of Journalists
NYPI	-	Nigerian Youth for Peace Initiative
ODA	-	Official Development Assistance
OECD	-	Organization of Economic Cooperation and Development
OFR	-	Order of the Federal Republic
OGP	-	Open Government Partnership
OMPADEC	-	Oil Mineral Producing Areas Development Commission
ONSA	-	Office of the National Security Adviser
OPC	-	Odua People's Congress
OPEC	-	Organization of Petroleum Exporting Countries
ORP	-	Obasanjo Reform Policy
OSIWA	-	Open Society Initiative for West Africa
PACAC	-	Presidential Advisory Committee Against Corruption
PAS	-	Programme of African Studies
PAVE	-	Partnership Against Violent Extremism
PDP	-	Peoples Democratic Party
Ph.D	-	Doctor of Philosophy
PHCN	-	Power Holding Company of Nigeria
PLAC	-	Policy and Legal Advocacy Centre
PLP	-	Peoples Liberty Party

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POE	-	Public Owned Enterprises
PPP	-	Public Private Partnership
PRC	-	Port-Harcourt Refinery Company
PRP	-	Penal Reform Project
PRP	-	Peoples Redemption Party
PVC	-	Permanent Voters Card
PWYP	-	Publish What you Pay
QC	-	Quick Count
RBDAs	–	River Basin Development Authorities
SAAPS	-	South Africa Association of Political Science
SANN	-	Social Alert Network of Nigeria
SAP	-	Structural Adjustment Programme
SEEDS	-	States Economic Empowerment and Development Strategy
SERAP	-	Socio-Economic Rights and Accountability Project
SMTC	-	Social Media Tracking Centre
SPIP	-	Special Presidential Investigation Panel
SSA	-	Sub-Saharan Africa
TAN	-	Transformation Ambassadors of Nigeria
TCPC	-	Technical Committee on Privatization and Commercialization
TI	-	Transparency International
TMG	-	Transition Monitoring Groups
TSA	-	Treasury Single Account
TUGAR	-	Technical Unit on Governance and Anti-Corruption Reforms
UAD	-	United Action for Democracy
UBA	-	United Bank for Africa
UMBC	-	United Middle- Belt Congress
UNCP	-	United Nigerian Congress Party
UNDP	-	United Nations Development Programme

UNDP	-	United Nigeria Democratic Party
UNO	-	United Nations Organization
UPE	-	Universal Primary Education
DFRRI	-	Directorate of Food, Roads and Rural Infrastructure
UPGA	-	United Progressive Grand Alliance
USA	-	United States of America
USAID	-	United States Agency for International Development
USAID/OTI	-	United States Agency for International Development's Office of Transition Initiatives
USSR	-	Union of Soviet Socialist Republic
WACSOF	-	West Africa Civil Society Forum
WAI	-	War Against Indiscipline
WRP	-	Women's Rights Project
YEAA	-	Youth Earnestly Ask for Abacha
YIAGA	-	Youth Initiative for Advocacy, Growth and Advancement
ZCC	-	Zero Corruption Coalition

CHAPTER ONE

Democratisation in the Face of the Neo-Liberal Reforms in Nigeria's Public Enterprises: Disempowerment or a Fair Dividend?[1]

Introduction

One major undercurrent in Nigeria's democratisation process in post-military rule is the reform of the public sector, which is carried out in the face of the heightened drive for globalisation and the ascendancy of neo-liberal measures being promoted by the International Monetary Fund (IMF) and the World Bank. The reform is by no means a new process in the country's agenda for development, as its main features were encapsulated in the Structural Adjustment Programme (SAP) introduced in 1986. However, the dynamics of the economic policy reform measures and their attendant contradictions since the return to civilian rule in 1999 have further heightened debates and contestations in addition to adding another dilemma to the realisation of democratic dividends. This is more pronounced in the economic disempowerment of the majority population in the country.

Until recently, the privatisation policy in Africa is considered as one of the economic policy outfits of unpopular regimes whose domestic economic development processes and those of the international financial institutions of global capitalism shaped their dynamics. This explains why the implementation of the IMF/World Bank lending policies in sub-Saharan African (SSA) countries, particularly in the 1980s and 1990s, was contained in one of the most widely resisted and socially and economically sapped package called the Structural Adjustment Programme (SAP). The programme

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was implemented against the background of the structural distortions caused by the contradictions of capitalist development processes in post-colonial African states. International financial and Western state institutions have used it as a dual platform on which Western liberal institutions deny Africa, Latin America and some Asian countries the enabling environment for the development of democracy and the rule of law. Through the use of the instrumentalities of power to control opposition, Nigeria under the SAP regime suppressed, coerced and, in some cases, gagged the popular forces opposed to the implementation of neo-liberal policies in general and the policy in particular.

The vigorous pursuance of the policy in post-military rule by the Nigerian state had not only opened up and heightened debate on the need or otherwise of the policy, but had also generated scholarly discourses and a plethora of academic literature on the subject. In sum, while bourgeois reformists and the agents of international financial institutions are prompting the idea of the liberalisation and private sector participation, an informed section of the population sees it as another form of neo-liberal, neo-colonial and anti-welfarist policy directed at freezing the remaining bastion of the state's role in the provision of public goods. Central to the argument of the latter perspective, which found expression among workers and radical intellectuals, are several questions about the rationale of the privatisation of the Nigerian state, which is vigorously and hastily pursued by the civilian administration. Among such questions are: what are the dividends of the policy of privatisation under civilian rule? Is the policy intended to overcome the much talked about inefficiency of public enterprises in the country? Can the transfer of public-owned enterprises to private concerns serve as a panacea to the myriad problems associated with state-controlled enterprises?

Thus, arising from the above questions, this chapter examines the political economy of the privatisation policy, which was the hallmark of the economic reform policy in Nigeria between 1999 and 2007, an economic regime called the period of the Obasanjo Reform Policy (ORP). The major argument of the chapter is that the privatisation policy of the regime was an integral process of offering

more opportunities to the political class, who control the state's machinery in alliance with the local business class and international syndicates for the consolidation of their economic hegemony and the perpetuation of their domination and control of the Nigerian economy. This is because the contemporary global (unequal) economic relations is dominated by international financial interests and reinforced by the philosophy of market liberalisation, profit making and globalisation. Therefore, the chapter adopts a theoretical perspective, which stresses that democracy in the face of neo-liberal reforms is the negation of the government of the people by the people. In short, it is a process of the political and economic disempowerment of a large segment of the population by a small cabal political class.

On the one hand, the chapter argues that civilian rule in Nigeria since 1999 has not provided the much-needed opening for equity and full participation for a greater number of people. On the other, the government has provided politicians with a window opportunity for the transfer of public ownership from the state to the political class, thus expanding the process of primitive capitalist accumulation for the ruling party and their local and international associates. The result of this is, to use Ake's words the, "democratisation of disempowerment". This is because democracy has not yielded its much anticipated transformative and all-inclusive dividends. If anything, in the area of economic development, the democratic experience in Nigeria has exacerbated the already existing gap between the rich and the poor in the country and added structural, systemic and social contradictions among its populace. Finally, the chapter argues that what it requires in place of privatisation include: rethinking on the part of the political class and the total re-structuring of the organisation of state ownership, its corporate institutions and line of accountability for the efficient supply of public goods.

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Neo-liberal Reforms and Democracy

Lenin (1917), O' Connor (1971), Hall (1972), neo-Marxists and radical theorists on the economic essence, dynamics and crisis of capitalism share a common ground on the logic of capitalist development and expansion. In particular, these theorists are of the view that the main economic gain brought about by technological advancement in both transportation and communication sectors in Europe and North America in the 19th and 20th centuries was primarily as a result of the huge investment made outside the territorial borders of these countries. First, it was through the process of colonial expansions that the industrialised nations contained their internal economic exigencies, which arose due to market saturation in Europe. As a result of this development, there was an increased search for investment, cheap labour and raw materials and the export of finished goods outside the territorial borders of Europe. Thus, the logic of capital for capitalist expansion was a moving force and motivation for economic domination in the 19th century. However, in the 20th century, particularly through the use of international intermediaries, otherwise called international financial institutions, industrialised nations found a veritable climate for the export of their economic ideology of liberal reforms.

The roots of the public sector reform in the 21st century or what is today known as the era of globalisation are found in liberal orthodoxy, which later gave way to the present neo-liberal ideology. The latter, as Ostry et al (2016) note, has two main planks of philosophical framework. The first is the creation of the ambiance of market competition through deregulation and opening up domestic markets to foreign participation, to be specific, competition. The second is the existence of a smaller role for the state, which is mainly achieved through the process of rolling its back. This goal is realised through privatisation and "limits on the ability of governments to run fiscal deficits and accumulate debt" (Ostry, 2016:38). The International Monetary Fund (IMF) together with the World Bank anchors neo-liberalism supported by the U.S. government in what is best described by scholars as the Washington Consensus (George, 1995; MacEwan, 1999; Bendana, 2004). The term 'Washington Consensus' is used to underscore the role of the

three *dramatis personae* in the international political economy, particularly their role in regulating the contemporary economic relations, and in devising complementary policies for the global expansion in the horizon of the neo-liberal agenda. What is the origin of this ideological agenda? What does it advocate? How does it work? And why must it be exported to Third World countries? Does it co-exist with popular yearnings and aspirations for democracy by developing countries like Nigeria?

Before the 1950s, at least in Western countries, the neo-liberal paradigm of classical political economy did not gain any currency in their policy instruments. At that time, the dominant perspective was Keynesian, which existed along with other perspectives such as Social Democrat, Social-Christian Democrat and some shades of the Marxist tradition. Even the two Bretton Woods sisters (the IMF and the World Bank) that were created in 1944 were seen as progressive institutions whose brain children, John Maynard Keynes and Harry Dexter White, were Franklin Roosevelt's closest advisors. The mandate of the institutions was limited to Europe with specific focus on preventing the occurrence of future conflict through lending for reconstruction and development. Their overall aim was to restore temporary balance of payment (BOP) problems with no decisions or mandate to intervene in national policy (George, 1999).

Following the end of the second World War and the unprecedented level of reconstruction that Europe accomplished through the Marshall Plan, the U.S. emerged as the most powerful economy in the world and as the major trading partner of Europe. The period also marked the ascendancy of neo-liberalism as a major ideology of global economic perspective, which now receives the attention of economists and later the support of economic experts (George, 1999; Vashee, 1995). With the writings of economists like Friedrich Von Hayek and his disciples, which include the famous American economist, Milton Friedman, neo-liberal doctrines gained recognition among Western scholars, writers and public relations experts. Since then, neo-liberal ideas have expanded in scope and

begun to be applied as a remedy to the ailing economies of different societies.

During the 1980s, the emergence of the international political climate that allowed the spread of neo-liberalism was made possible as a result of the coming into power of Ronald Reagan and Margaret Thatcher in the United States and Britain, respectively. It was their conservative revolution which further opened an international political climate that expanded the horizon of neo-liberalism from a mere intellectual debate among economic theorists to a policy instrument of reformist leaders (Vashee, 1995). In what came to be known as one of the real tests of rolling back the welfare state in Britain, Thatcher's use of privatisation not only destroyed the public sector and weakened the power of trade unions in the country, but also added a stimulus to the neo-liberal ideas of Western financial institutions. On the other hand, in the U.S. the New Deal policy with its emphasis on the reduction of federal spending on states had gone a long way in the 1930s, though the World War II interrupted its spread. Its major flank was guided by the central propositions of neo-liberalism, which cut public spending and reduced the power of federal government's financial support to its constituent units.

With the demise of the Soviet Union and its centralised economies at the tail end of the 1980s, neo-liberalists arrogated a lot of miracles to the ascendancy of markets. Hence, as Vashee (1995:196) notes:

> Now the message from Washington emphasised the reduction of the state and the liberalizing of the society, through democracy. The state was now seen as an obstacle to development, because it regulated too much of the economy. What was needed was deregulation and privatisation. The market was to be the main arbiter in the economy and it had to be opened to competition, internally and externally.

In the international political economy, the essence of neo-liberalism is contained in the argument that economic growth will be rapidly attained when the movement of goods and services as well as capital is uninterrupted, unimpeded and unregulated by government (MacEwan, 1999). Central to neo-liberal agenda which Ostry et al.

(2016:38) described as "a label used more by critics than by the architects of the policies" is the call for pruning down the size of the public sector and reducing the economic roles of government in providing social welfare. In the management of economic activity at the aggregate and sectoral levels, the neo-liberal scheme is of the view that the state should have no hands but the 'invisible hands' of market forces. The same can be said about the regulation of international commerce. As such, the economic logic of neo-liberal policies is premised on the belief that the market should have it all and entails the engineering of social and political decisions in accordance with the dictates of free market interplay, thereby relegating the state to the role of providing the security and maintenance of law and order.

On the whole, George (1999) has summed up the main crux of neo-liberalism when she notes that its single most important motivation is the existence of market mechanism and the interests it protects. Capital and profit should be allowed to subordinate every interest and direct rules to society. In this way, neo-liberal thinkers see the idea of the market and its inevitability in both the global transformation of societies and the creation of a hospitable environment for 'peace', 'development', 'prosperity', and 'democracy' as "an act of God, the only possible economic and social order available to us" (George, 1999:3).

Therefore, this chapter argues that there is no theoretical and empirical fact as well as lesson to suggest that neo-liberalism is an article of faith and a guarantee for democracy, the rule of law and a just society. Many studies have attempted to unravel the nexus between democracy and development, particularly in developing societies (Ake, 1995: George, 1995: MacEwan, 1999; Giroux, 2004), while pointing out the fact that neo-liberalism negates one of its underlying principles in its aggressive search for a solution to the economic woes of developing societies, i.e. the promotion of democracy.

According to MacEwan, the much celebrated triumph of neo-liberalism is a simple rhetoric, which is stronger than the reality. Citing the case of Chile and Mexico, MacEwan (1999) notes that, if anything, the spirit behind the rhetoric of neo-liberalism today lies upon an authoritarian rule and repressive government. This understanding concurs with Ake's, who argues that IMF and the World Bank policies are entrenched by political elites, who are compelled by the international institutions to demonstrate a high sense of "political will", a euphemism for authoritarian imposition and indifference to the will and interests of the people (Ake, 1995). According to him, since Africa's democratisation is coming from people whose concepts of democracy and their motive for supporting it are diametrically opposed to popular grassroots democracy, there is no point in suggesting that the project will provide equity, justice and the flourishing of the rule of law (1995).

When viewed within the context of privatisation as one of the policy flanks of the neo-liberal agenda, it can then be argued that the transfer of ownership is made at the instance of capital and the dominance of the favoured ideology of profit making in contradistinction with democratic public spheres and welfarism. Neo-liberalism is, thus, both a cover for powerful elite groups to pursue their own particularistic economic ends through the triple heritage of the accumulation, alienation and disempowerment of the greater majority of the people. This is antithetical to the process of the development of democracy, which, according to MacEwan (1995:5):

> By reducing explicit social regulation of private economic activity and 'leaving things to the market', neo-liberalism prevents the implementation of programmes that would allow people to exercise political control over their economic affairs, involve people in solving their own economic problems, and serve the material needs of the great majority. A long list of development initiatives that could be democratic in this sense of the people, by the people – are proscribed or severely limited by neo-liberalism.

In the current democratisation process under a civilian government, the implementation of the privatisation programme poses a crisis of development. Privatisation has been characterised by the neglect of the popular demand of the people for participatory democracy and grassroots empowerment for self-sustenance. The skewed benefits of privatisation in favour of private profiteers have marginalised the larger majority of the Nigerian population, thereby widening the already existing gap between the rich and the poor.

At another level, this phenomenon of disempowerment can be seen from the theoretical insights of the motive of privatisation, as put forward by Biais and Perotti (2002). According to these scholars, the interest of the state and those of interest groups and individuals converge in a way. The convergence is premised on the need to expand the process of the 'integration' and 'alignment' of a targeted section of population for political expediency. Privatisation is considered as an integral aspect of pay offs between the ruling party in government and the class interests that it seeks to favour with the sale of shares, usually under-prized, to settle political and economic interests (Biais and Perotti, 2002). This is a "Machiavellian" fashion to which privatisation is subjected to. It is within its context that the allocation of a significant share of ownership to a targeted section of the population is realised, thereby providing opportunity for the beneficiaries to rally round and support the government in power. To ensure re-election, the party in power, in this case the People's Democratic Party (PDP), designed economic reforms that could attract the sympathy, support and loyalty of a few private class of investors.

While this chapter argues that Biais and Perotti's theoretical insight captures the Nigerian scenario under the privatisation regime, particularly with the aborted/defeated move for the "third term" bid or tenure elongation, it adds that the process of "Machiavellian privatisation" in the face of democratisation under civilian rule also disempowers the majority of the population. It is within the context of this disempowerment process that the regime used different adjectives to elicit its firm grip on power (i.e. "consolidation",

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"continuity" "restoration," etc). When the tenure elongation was thwarted by the National Assembly, organised interest groups and the informed population, the regime resorted to the violation of electoral laws with impunity. Electoral rigging is an example. Under the current privatisation regime, the possibility of the Nigerian polity, economy and society to be more vulnerable to under-development and disempowerment becomes more obvious. For the political class and other beneficiaries of the reform, local and international, politics and privatisation are mutually reinforcing: the former has become a leeway for personal economic advancement.

Nigeria's Drive Towards Privatisation in the Post Military Era
The history of the public sector in Nigeria is as old as the country. The sector was developed in line with the British colonial policy of domination and exploitation through the expansion of social and recreational facilities that would help to achieve the process of the repatriation of resources to the metropolitan state. Despite its slow rate of development and its lopsidedness in sectoral development, the public sector under colonial rule served as the employer of a large number of labourers and middle class professionals in the colonial service, as the colonialists dominated a share of economic activities, such as mining, agriculture, export and import. After independence in 1960, the post-colonial state continued to play a dominant role in shaping the development process in the country. It expanded the size of the public sector much more rapidly than was the case during colonial rule. Two closely related reasons account for this situation. First, despite the continued allegiance to her former colonial state, Nigeria remained steadfast in ensuring that rapid investment in physical facilities is accelerated as a mark of 'nationalism' and 'self-rule'. This process expanded the public sector rapidly. As a result, the state came to be associated with development administration as exemplified in the first, second and third (1962-1968; 1970-1974; 1975-1980) national development plans when huge sums of money were spent in capital projects (Peter, 2004).

Second, in Nigeria as in other post-colonial states of Asia, Africa and Latin America the capitalist approach to development was

associated with colonialism, neo-colonialism and under-development. Hence, any post-colonial state that approached development from the perspective of its erstwhile colonial masters was considered a satellite of the metropolitan state; therefore, the newly independent states remained ambivalent toward capitalism (Guseh, 2001; Megginson and Netter, 2001). Yet, there were policies that would attract local investors and reduce the dominance of their economies by foreign companies.

Premised on the philosophy of development that would not be seen either as a purely borrowed capitalist model or a socialist ideology, the Nigerian state ascribed to itself the status of the so-called 'mixed economy', i.e. a combination of public and private ownership of the means of production. In reality, while, on the one hand, the economy still remained under the influence of foreign investments represented in the commercial activities of multinational corporations, in oil, manufacturing, construction, mining and services industries, on the other hand, the government acted as a rentier state with its major stronghold being the public sector.

Thus, as the government became the principal actor in development, it also occupied the position of the largest employer of labour and investor in different economic activities. In the 1970s when the country began to explore and export oil in commercial quantity, the main thrust of the economy was the provision of social goods to the society. Despite lack of equity in the distribution of these goods, the fact remains that the state continued to determine national priorities and with its volume of investment in the public enterprises it continued to determine the direction of economic activities in the country. As at 1987, there were about 1500 public enterprises in Nigeria. Out of this number, the federal government owned 600 of such enterprises and state and local governments about 900. In all, the enterprises accounted for about 30-40 percent aggregate fixed capital investment and constituted about 50-60 percent public sector employment (Ariyo and Jerome, 2004).

In Nigeria, the public sector was so poorly managed that it incurred repeated losses due to neglect, corrupt practices and inefficient

services. Obadan and Jerome (cited in Ariyo and Jerome, 2004) have observed that in about two decades successive Nigerian governments invested about ₦800 billion (approximately $90 billion) in the public enterprise sector, but the returns have been abysmally low. With the onset of the economic crisis in the 1980s, which is coincidentally regarded internationally as the decade of privatisation (Guseh, 2001), Nigeria joined the bandwagon of public sector reform as part of the IMF/World Bank Structural Adjustment Programme (SAP). As indicated in the SAP package, the privatisation drive of public enterprises was conceived in order to diversify the productive base of the economy. The public sector was therefore encouraged by the IMF and the World Bank; it lessened the dominance of what the institutions called 'unproductive investments' through improving upon their efficiency by accelerating the growth of their potentials. One of the key elements of the neo-liberally induced SAP in Nigeria is the reduction of administrative controls in favour of greater reliance on market forces. This implies that the implementation of the programme represented the beginning of a full circle reversion to market forces in which investors now have a field day as the 'invincible hands' that determine their riches and exacerbate the pauperisation of vulnerable consumers.

As such, in order to prepare the ground for the privatisation of public enterprises, Decree 25 of 1988 was promulgated and a 17-member Technical Committee on Privatisation and Commercialisation (TCPC) was set up by the Babangida administration. The Committee functioned between 1988 and 1992 and within the period was able to privatise 88 out of the 111 Pubic Owned Enterprises (POEs) listed in the Decree for the exercise, leaving only 33 as those yet to be privatised (Ogubunka, 2000). Besides the TCPC, a Public Enterprises (Privatisation and Commercialisation) Act was drafted in 1999 to provide the enabling legislation for the privatisation programme in the country. It also provided for the establishment of institutions and bodies that would ensure the effective and proper implementation of privatisation policies, such as the National Council on Privatisation (NCP) and

the Bureau of Public Enterprises (BPE) to implement the council's policy and exercise the other functions (NCP Handbook, 2001).

Though even before the formal inauguration of the new civilian government, the President-elect had set up a 17-man advisory Committee led by T.Y. Danjuma to draw up a roadmap for policy reform in Nigeria. It was only when the government appointed reform minded technocrats that the public sector reform of the new administration took effect. Led by Ngozi Okonjo-Iweala, who before her appointment as Finance Minister was the Vice President of World Bank and Corporate Secretary, the regime's Economic Management Team worked out articulate reform policies for the government between 2003 and 2006. The Team's comprehensive reform policy covered the following areas: 1. Economic Management, 2. Governance and Accountability 3. Public Service re-structuring 4. Accelerated Privatisation and Liberalisation 5. Financial Sector Reforms and 6. Rebuilding Physical and Social Infrastructure. The major flank of the reform in the public sector was the deregulation of the sector in order to reduce government activities in various sectors, which would pave way for efficiency, private sector participation through improvement in the domestic business climate and the promotion of sustainable economic growth and development (Okonjo-Iweala and Osofo-Kuako, 2007). These objectives, the regime argued, could best be realised through the privatisation and deregulation of the economy to attract investors, local and foreign. According to the official source, there were over 1,000 state-owned enterprises in Nigeria (Ayodele, 2002). Out of this, about 116 were privatised between 1999 and 2006 (Okonjo-Iweala and Osofo-Kuako, 2007). These include aluminium, telecommunications, petro-chemical, insurance and hotels.

Privatisation: A Goldmine for Private Interests?
The return to civilian rule in 1999 was received with high expectations. This is because the long period of military rule had virtually created a yawning gap between the state and the society and between the rich and the poor, thereby heightening the crisis of rising expectations due to dashed hopes in the minds of Nigerians. At the end of military rule, the dream of Nigerians was that of

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having a civilian government, which could turn around the crippling economy inherited from the past authoritarian regimes. They expected such a government that could entrench the process of development for economic prosperity and greater democratic dividends. In other words, questions about the relationship between democracy and development and the extent to which the two coexist to re-launch the nation on the path of sustainable socio-economic changes occupied the minds of the already disillusioned Nigerians (Jega, 2003). But the unveiling of the economic reform policies of the civilian regime with its key elements centred on privatisation created a renewed concern about whether a democratic government was really interested in correcting the already debilitating conditions of the public enterprises in the country.

For a critical understanding of the pattern of privatisation under a civilian regime in Nigeria, we need to make reference to Bangura's (1986) apt understanding of the intricate class alliance in the process of capitalist accumulation and in anchoring the structural crisis of development process in the country. Bangura (1986) argues that the pattern of class relationship in Nigeria is not regime bound; it passes from one government to another, military or civilian. It is within the context of this coalition of interests that the period of democratisation under a civilian rule (1999-2007) has been associated with the continuation of class alliance specially anchored by the state and its cross-cutting is manifested in various areas of interest.

With the unveiling of the privatisation policy by the civilian regime, it becomes clear that politics, class alliance and reforms were at work and meant to either frustrate or provide for itself a compulsory accommodation in the democratisation process. The external motive of the privatisation to which the Nigerian state promised to uphold was geared towards pushing the government towards the drastic scaling down of public spending on what the IMF considers as 'unproductive' social services. The goal of the fund was to spare money and make it available for the servicing of external debt.

In Nigeria, social services are subsidised by the government as part of its service provision functions to the general public. Therefore, to assess public enterprises in terms of how much they yield annually is not only a defiance on the traditional role of the state, but also a negation of its primary interest. In a global economy which is characterised by the forces of globalisation, a free market enterprise is a direct assault to a society where poverty has deeply penetrated a broad spectrum of the population (Garba, 2006). The class character of the privatisation exercise can be seen from the overall dynamics of the democratisation process since 1999, which has been characterised by the public sector reforms in a state dominated by one political party and its resolve to assimilate or annihilate opposition parties. The ruling PDP government, which came into power on May 29, 1999 and wrestled it in 2003 and 2007 and 2011, was able to realise its life time plan of consolidating power again, not democracy, by extending political pay-offs among party financiers, stalwarts as well as local and international interests.

The whole idea of privatisation in Nigeria is antithetical to democracy and the rule of law. It is being pursued with little, if any, regard to the laws that set up public corporations and enterprises. Besides, being a product of neo-liberal conception, the law which introduces privatisation and commercialisation, Decree No. 28 of 1999, and even the BPE are a military formulation designed to suit the nature of the reigning political set up (Ayodele, 2002). The law gives power to the National Council on Privatisation (NCP) and the BPE without due regard to constitutionalism. And in the implementation process, the policy of transferring state ownership to the private sector did not take into consideration the Constitutional basis of such enterprises. For example, the privatisation of the National Electrical Power Authority (NEPA) and later Power Holding Company of Nigeria (PHCN) is diametrically opposed to the law that set it up because Section 16 of the 1999 Constitution prevents the concentration of wealth or the means of production and exchange in the hands of a few individuals or groups. The section also supports state ownership of the major sectors of the economy to which many of the privatised enterprises belong. But the way Nigeria's privatisation was implemented raises more questions than

answers. Its political economy essentially lies in the fact that friendly local bourgeoisie are favoured by the state government in the transfer of privatised enterprises.

In some cases, state governments serve as an arena of facilitating the primitive accumulation and concentration of wealth in the hands of a few private individuals. They play an intermediary role in buying and selling shares from the federal government to corporate groups and individuals, who contribute substantially to their campaign funds. The case of the federal government shares in NAL Bank always come to mind as one of the clearest indications of the class character of privatisation and its associated contradictions in Nigeria. The federal government shares in the bank were sold to the Kano State government, which, in turn, transferred them to Dantata Investment Company, thereby making Dantata the single largest shareholder in NAL Bank. In many other states, this practice resonated in different patterns, which is to say that state governments serve as an avenue through which the concentration of wealth in a few private hands is guaranteed. The question now is: is the federal government's non-exemption of state governments from the purchase of public enterprises informed by the need to use them to identify the beneficiaries of the programme in their respective states?

The answer to this question is not far-fetched when one understands the class character of the political actors in Nigerian politics and their ingrained quest for using the machinery of state to expand the frontiers of their bourgeois practices and riches. It is this pattern of bourgeois practices that the World Bank described as one of the major problems that impair the process of privatisation in sub-Saharan Africa as it undermines confidence in governments and the market economy they are trying to entrench (World Bank, 2000). State executives used the exercise as a means of using public funds to buy shares in the privatised enterprises for their favoured interest groups and individuals. This explains why the Ogun, Bauchi and Akwa Ibom State governments declared their interest to partake in the buying of shares in the privatised companies in partnership with other corporate groups. Together, they belonged to the Investors

International London Limited that won the bid for 51 percent (majority) share in the Nigerian Telecommunication Ltd. (NITEL). Elsewhere, the Delta State government purchased African Timber and Plywood (AT & P) Sapele, while other states, such as Jigawa and Osun, embarked on tomato paste industry and the production of drugs, respectively.

Considering the fact that between 1988 and 1992, a total of ₦3.4 billion ($155 million) was earned from the sale of ₦468.2 million ($21.3 million) worth of original government equity (Obadina, 1988) and the gross proceeds realised from the sale of public enterprises between 1999 and 2005 was over ₦7 billion (US $370 million), it is important to ask this question: Of what benefit is privatisation? Already, the country is among the 20 poorest countries in the world and in 2002, the Human Development Index (HDI) ranking placed Nigeria 148th out of 173 countries and repeating that the country has the third largest number of poor people after China and India (Igbuzor, 2003). In 2006, the HDI report placed Nigeria 159th out of 177 countries, which suggests that the policy of privatisation in the face of democratisation was pursued in the face of excruciating poverty in the country.

The 'proceeds' of the policy are not utilised to service either the country's debt, create employment opportunities or improve the supply of public utilities. As Diamond (1993:96) aptly notes, "[d]emocracy will not be valued by the people unless it deals with social and economic problems and achieves a modicum of order and justice". On the one hand, the state maintained that the dividend of democracy was realised as a result of the privatisation of the country's telecommunication services and the increase in the number of Global System for Mobile Communication (GSM) network users. In practical terms, the incidence of poverty had been reported in the country with frightening consequences on the social fabric of society.

Scholarly works on the experience of privatisation around the world have shown that the policy is highly political and is meant to

reallocate public investment properties to a few private individuals and groups for their support of the ruling party (Young, 1987; Megginson and Netter, 2001; Biais and Perotti, 2002). In fact, "the need to pay off important interest groups in the privatisation" is one of the nine factors identified by Megginson and Netter (2001) that influenced the method adopted in privatising public enterprises. The policy of privatisation in Nigeria involves a combination of various methods, which include: sales of shares through competitive tender; open-competitive bidding; formal liquidations and assets sales as well as public private partnership. Whichever method is used, the long term effect of the exercise remains the same, as there is always a reproduction of the powerful private investors for the expanded process of capitalist accumulation.

One of the official documents on privatisation suggests that the overall target of the policy is for the government to retain 40 percent of the equities of affected enterprises, whilst 40 percent would be allocated to "strategic investors with the right technical, financial and management capabilities. The remaining 20 percent will be sold to the public through the stock (NCP Handbook, 2000). However, right from the beginning of the implementation of the programme, the government showed preference to certain groups and individuals, mainly from the corporate sectors that have direct or indirect sympathy with the government.

Although there is no available data on individual financial contributions to political parties, individually or collectively corporate interests donated handsomely to the campaign funds of the ruling party. For example, in the 2003 general elections, Aliko Dangote donated the sum of ₦250 million to the funding of the Atiku/Obasanjo presidential campaign under the platform of the PDP and an undisclosed group called "Corporate Nigeria" pledged ₦2 billion to the campaign fund (Yaqub, 2005:158). Between 1999 and 2007, Dangote Group has been one of the major beneficiaries of privatisation in the country.

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One of the major companies that benefited from the privatisation policy in the Fourth Republic was Transnational Corporation Company (Transcorp). This is a local company with a global operational outlook formed in 2001 and launched at State House, Abuja, by President Obasanjo. The President was said to have been a major shareholder of the company whose equity shares, being held in 'blind trust', was put between $200 million and $600 million. Being a conglomerate of corporate individuals who had been close associates of the government, Transcorp got many privileges and presidential waivers in the sale of public enterprises in Nigeria.

However, the National Council on Privatisation continued to claim that the programme "will only follow after we have established the correct value of these parastatals" and that "the government will not be short-changed in this [privatisation] exercise". The upper hand received by the Transcorp Company from the government showed that the implementation of the privatisation policy was devoid of due process contrary to the claims made by the government.

Transcorp Company bought 51 percent shareholding in the Hilton Hotel, now Transcorp Hilton Hotel, Abuja and 75 percent shares in NITEL despite the fact that only 51 percent shares of the company were advertised. Through the Bluestar Oil Service Limited Consortium, Transcorp acquired 51 percent of Port Harcourt Refinery Company (PRC) and Kaduna Refining and Petrochemical Company (KRPC) on the payment of $561M (₦71.808 billion) and $160M (₦20.48 billion), respectively. Members of the consortium are Dangote Industries Limited, a company which acquired the privatised Benue Cement Company (BCC) in 1999, Transcorp; Zenon Petroleum and Gas Ltd, Rivgas Petroleum and Gas Limited, Jovis Nigeria Limited with China Petroleum and Chemical Corporation (SINOPEC) as technical partner. The transfer of the ownership of the refineries to the company was made on May 25, 2007 barely three days before the end of the tenure of the government. The action provoked public outcry because of the security implication of selling out two major oil refineries in the country and the lack of transparency in the whole transaction.

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The government's action irked workers, particularly in the oil and gas industry and the Independent Petroleum Marketers Association of Nigeria (IPMAN). This led to a three-day nationwide labour strike declared by the Nigerian Labour Congress (NLC) on June 16, 2007. The Umar Musa Yar'adua administration reversed the sales of the refineries and subsequently reduced the pump price of petroleum from ₦75 to ₦65 and finally stabilised it at ₦70. Civil societies called for a halt to the sale of the country's major oil refineries for at least two reasons. First, is the national security concern and the fear of a possible uncontrollable increase in the pump prices of oil and gas for profit making. Second, is the fear that the companies that bought the refineries were professionally incompetent to manage the business of the oil and gas sector since the deal was informed by state patronage. In fact, the assessment of the oil and gas industry in Nigeria has always shown that there is a neglect and deliberate act of carelessness in addressing the problems of the ailing industry. Successive governments have failed to resuscitate collapsing refineries because of the personalities involved, mainly family and friends of top government functionaries in the importation of refined oil into the country.

The fact that the government did not appoint a minister to head the petroleum resources ministry further confirmed the allegations that the executive had kept the affairs of the sector away from the public domain in order to serve corporate interests. Worse still, the turn-around maintenance of refineries in Nigeria had been a conduit-pipe through which the state gave contracts to party supporters and corporate groups. Unlike in some developing countries where the sole aim of government policies is the transformation of public enterprises for the optimal utilisation of existing opportunities for development, the reverse is the case in Nigeria. Refined petroleum and gas are imported into the country and sold to consumers. The fact that Nigeria has no control over the international price of crude oil made it inevitable for the country to suffer the vicissitudes of the international oil market with the attendant increase in the domestic pump price of the product. This partly explains why despite the increase in oil revenues for the country, the government has always been increasing the price of petroleum for local consumption.

Between June 2000 and May 2004 alone, the government increased the prices of petroleum eight times, each time with attendant negative consequences on the prices of goods and services, thereby exacerbating poverty in the midst of plenty resources. In 2003, when the government was embarking on transition to civilian rule and the ruling party claimed to have provided the much anticipated democratic dividend, Nigeria's per capita income was put at $290 as opposed to world's per capita income of $7,140 (Garba, 2006). The country was not only one of the poorest nations in the world but its majority population lived below $1 dollar a day.

One of the paradoxes of oil wealth in Nigeria is that 80 percent of the oil monies accrued to 1 percent of the population with 70 percent of private wealth kept abroad (World Bank, in Lubeck et al., 2005). In contrast, either through the nationalisation of the oil sector or its control of a substantial percentage of shareholding, the South American state of Venezuela has been able to turn around its oil sector for the welfare of its people. In Brazil, the story of Petrobass Company is a clear example of how public enterprises are effectively and efficiently managed for a multiplier positive impact on various sectors of the economy. Petrobass started operation in the 1970s at the same time with the Nigeria National Petroleum Corporations (NNPC). But today, Petrobass of Brazil is a world class company, with interests all over the world and refineries outside Brazil.

Central to the dilemmas of the implementation of privatisation in Nigeria is the failure of policy makers to make a distinction between national security and the role of the state in the development process. The economic environment of the country is not amenable to the transfer of the state ownership of public enterprises to private investors because Nigeria lacks the good capacity to regulate the activities of private businesses in the area of telecommunication, oil, power and other utilities. Failure to exercise control over the activities of privatised companies is a major problem to effective consumer protection and a threat to national security. On the latter, one can rightly say that there is a serious security concern over the

involvement of foreign investors in the shareholding of some of the major strategic industries in the country. When the British government privatised the country's airways, it went on with the control of the major airport terminals and maintained control of the security and operational services of the aviation industry.

On the contrary, under what the World Bank called a Public Private Partnership (PPP) arrangement, the Nnamdi Azikwe International Airport, Abuja, was handed over to the Abuja Gateway Consortium. The company, which includes Gitto Construzioni, Generali Nigeria Limited, Net Technologies, Air Services Limited, British Airways, South African Airways and Lufthansa German Airlines, Air France, Virgin Nigeria, AG Terrero and Airport Consulting Vienna, were selected to operate and manage the Airport for the next twenty five years. The implication of this type of privatisation is apparent. The national interest that the state tries to protect is at risk; a consortium involving state and private international companies cannot operate in a vacuum. In most cases, for the partnership to prosper the interest of the international shareholders usually predominates.

Thus, public sector reform in Nigeria promotes the wholesale domination of the Nigerian economy by local private investors and Foreign Direct Investment (FDI). The neo-liberal reform measures, therefore, serve the interests of the dominant ruling class. This explains why the apologists of the regime, also referred to as the 'reformers', canvassed for the third term or tenure elongation for President Obasanjo at the time when popular opinion was overwhelmingly against any constitutional amendment that would provide a platform for the incumbent president to rule the country beyond the constitutionally entrenched two or four-year terms. When civil society and the National Assembly dramatically thwarted the hatched move, the ruling party changed tactics and finally resorted to calls for the continuation of its reform policies through its handpicked presidential candidate, Umar Musa Yar'adua.

This is to say that, as the country was marching towards a civilian to civilian transition in 2007, Nigerian politics became so much

embroiled with suspicion and fear that the ruling party would resort to every action humanly possible to emerge the winner at the polls. This was made clear when, in one of the PDP presidential campaigns, the President made it point blank that the 2007 general elections was a "do or die" affair, a matter of life and death, for his party. Essentially, the party was, to a greater extent, concerned about the survival of neo-liberal reforms and the consolidation of what Giroux (2004:5) described as "Casino Capitalism".

This brand of capitalism has its peculiar political economy in which everything public is for sale to a private business class regardless of the laws of the land, its security or the welfare of its people. The system thrives mainly because of the fixated 'world' view that globalisation and free market economy are the epicentre of development. In its extreme form of manifestation, "Casino capitalism" in Nigeria is informed by "Machiavellian privatisation", a perspective of the deregulation of the private sector in which the state favours a widespread crony preferentialism and the systematic process of primitive accumulation where the winner-takes-all. For all these phenomena to be consolidated, political transition is achieved through electoral fraud and the disenfranchisement of the larger majority of the population. For the World Bank, the IMF and other international financial institutions, any state that consolidates power through this process has displayed a 'political will' to continue with its reform measures. For, as George (1999:6) rightly pointed out:

> The common denominator of these institutions is their lack of transparency and democratic accountability. This is the essence of neo-liberalism. It claims that the economy should dictate its rules to society, not the other way round. Democracy is an encumbrance, neo-liberalism is designed for winners, not for voters who, necessarily encompass the categories of both winners and losers.

The political economy of neo-liberal reforms in the area of public enterprises not only breaks the power of trade unions but also deprived them of their rights to reject the policies that affect their

interests. In Britain where, between 1979 and 1994, privatisation led to the reduction of unionised jobs from over 7 million to 5 million, labour subordination and pauperisation were the major contradictions of the exercise. Since the era of SAP when the Nigerian state embraced the IMF/World Bank recommendation that there were too many workers who were too costly to maintain (Bangura and Beckman, 1991), unemployment has been one of the major problems in the country. This trend had persisted even during the post-military era as a result of the deregulation of the public sector, which constitutes more than 70 percent of the country's workforce.

In view of the fact that many workers in the country earn their livelihood in public sector employment, there is the need to find out the role played by their unions in denouncing the policy. This point brings us to the question: to what extent did workers resist the implementation of the privatisation policy? Despite pockets of militant opposition by workers in the privatised enterprises, particularly in NITEL and NEPA, where many of them lost their jobs, the state continued to pursue privatisation with vigour. Except in the early years of the Fourth Republic when a series of crippling strikes and protests by the NLC over hikes in the prices of petroleum were recorded, the regime did not face a profound face-off with labour on the privatisation policy until after the new government was installed, specifically in June 2007.

Hitherto, the government had weakened labour, as it promoted the idea of introducing a labour law meant to decentralise the trade unions in the country. The plan did not see the light of the day because it was greeted with opposition from workers and civil society groups. However, the move by the state to take NLC to court for embarking on industrial action 'without' the permission of the police has reduced the spirit of the union to provide a dogged resistance to privatisation. In fact, the NLC portended one of the most unfortunate ironies of trade union movements in the period of democratisation under civilian rule when its secretariat served as a selling centre for the privatisation forms. The leadership of the NLC not only hobnobbed with the state on deregulation policies but also

its president, Adams Oshiomhole, and other labour aristocrats were members of the National Council on Privatisation (NCP) (Ogunde, 2002). Surprisingly, the National Assembly articulated resistance to privatisation. The House not only passed motions against the privatisation of some enterprises, but also waged its campaign against it by placing adverts in some international magazines expressing its dismay on the exercise.

Conclusion

Democratisation in the face of neo-liberal reforms since the return of democracy in the country in 1999 is an archetypical manifestation of democracy without responsive and responsible leadership. At the heart of the crisis of the Nigerian state during the post-military era is the problem of lack of good governance. This explains why the state considers the implementation of public sector reform through privatisation without looking into the main reasons why public enterprises are inefficient, corrupt and 'counter-productive'. By embarking on privatisation, the state created a window of opportunity for the local and international bourgeoisie to use the exercise as a gold mine for accumulation, thereby disempowering the society benefiting from public facilities at affordable rates. Worse still, the enterprises that were sold have not demonstrated any significant improvement in their services, as is the case with the Power Holding Company of Nigeria (PHCN) and NITEL.

 In addition, the view which holds that the private sector is by far efficient and enduring in comparison with public enterprises is not factually supported. The performance of the two sectors is determined by many variables, which include, *inter alia*, political, economic, socio-cultural and environmental factors. According to the Manufacturers Association of Nigeria (MAN), in the first eight years of the civilian administration in Nigeria (1999-2007) over 1,800 industries closed down due to an unfavourable economic climate (*Daily Trust*, April, 2007:1). At another level, even the private (GSM) telephone service providers are not providing their services as efficiently as desired by customers in the country largely due to erratic network problems. This is to say that the crisis of

economic development can be overcome even without the privatisation of public enterprises provided that good governance can effectively control inefficiency and provides accountability in all the sectors of the economy.

In Nigeria, reform in the public sector, in general, and public enterprises, in particular, is needed in order to correct ailing enterprises and address the fundamental question of why they are inefficient and embroiled in corruption. But transferring the ownership of these enterprises from the state to private individuals and groups is a disservice to the people and a negation of their democratic rights. Their labour and taxes were used to set up these enterprises and without being consulted their heritage of development and welfare enrichment were sold to the capitalist class. This is a sign of stress and state failure. Government should reverse the implementation of its privatisation policy because the measure was based on the short-term 'gains' of a few cabal and an opportunistic class. The economy as a consequence is made to work based on the dictates of market forces and externalities, thereby entrenching a permanent disempowerment of the ordinary citizens in the country. Unless transparency and accountability are entrenched in the administration of public enterprises in the country, the phenomenon of wastage and declining productivity cannot be addressed.

CHAPTER TWO

The Millennium Development Goals (MDGs) and the Illusion of Good Governance: The Experience of Nigeria's Democratisation Process, 1999-2006[1]

Introduction

In Africa, as in many developing societies, there appears to be a contradiction between policy objectives and implementation. Nowhere is this contradiction so much pronounced as in the experiences of most "Third Wave" democracies where the end of military authoritarian rule and one party system have been associated with epileptic economic development, democratic reversals or both. In Nigeria, the contradiction is characterised by rising expectations in 1999 (after a prolonged period of military rule) and the current dashed hopes due to the inability of the civilian government to provide the much needed leadership for democratic consolidation, as envisioned in the Millennium Development Goal's (MDG's) principles of Democracy, Good Governance and Development. The crisis of development that permeates many African countries has its roots in the structural, systemic and socio-economic lapses inherited from the past historical realities of colonial domination and the contemporary experience of neo-colonialism, militarism and under-development. One of the challenges of the development process in Nigeria, as in other African societies, is most felt in the area of good governance. This is not to say that the weakness of the institutions of governance is the product of the lack of adaptation to the local political and administrative environment. Rather, the problem is with the operators of the system of governance in the country, their local and

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international allies and their perception of what democracy entails, represents and means for the society. The realisation of the importance and necessity of governance in the development initiatives of developing societies is vital, particularly in a world where "international pluralism" through an improved communication network and the transfer of modern technology, labour and capital, otherwise called "globalization", have become the catchwords of policy experts. The objective of developing societies, as envisioned in the world most ambitious target, MDGs, is reducing poverty to the barest minimum by 2015 through social, economic and political institutions local to the environment where these goals are expected to be achieved. One of the political approaches to realising the expected goals of the MDGs is through the process of good governance.

This chapter examines good governance in Nigeria within the context of the principles of MDGs. It examines the environment of the country's political system and its leadership and institutional responses to the world agenda of development and provides a general overview of the contradictions, dilemmas and sources of tension between development and good governance. The chapter is divided into four sections. The first section is the introduction. The second section examines the international context of the idea and philosophy of MGDs. In the third section, the chapter critically examines the notion of 'good governance', what explains its vigorous propagation within the context of the international dynamics of the market-centric paradigm of development as well as its premises within the context of the development agenda of Nigeria. Section four concludes the chapter.

The Context, Objectives and Modus Operandi of MDGs
Development perspectives in the 1960s were dominated by a synergy of theoretical postulations, which hinged on the primacy of channelling development assistance from the industrialised world to developing societies under the assumption that the state could serve as the major pillar and catalyst in the development process. The perspective of the modernisation school of development informed

the neo-liberal conception of development in the decade following the independence of many African countries, including Nigeria.

Central to the idea of modernisation theorists is the strong emphasis on investment, savings and income as the major instruments of achieving macro-economic objectives. In the late 1960s and 1970s, therefore, development was seen in terms of major macro-economic indicators, such as savings, investment, Gross National Product (GNP), rise in income level and the development of productive forces based on the interplay of market forces. From this perspective, development policies in underdeveloped societies were conceived without due regard to the internal dynamics of the environment where these policies were supposed to be implemented.

By the tail end of the 1970s, it became crystal clear to development theorists that the decade which was earlier described by the United Nations as the 'development decade' would not achieve its main target of eradicating poverty let alone provide the much anticipated sustained development. The "lost decade", as the same United Nation (UN) later described it, raised many questions. Can development be achieved when it is externally induced, shaped and guided by the international experts and their multilateral institutions? Are developing societies really lacking the capacity to initiate an autonomous development path?

In short, it was against the background of deepening under-development in the face of the implementation of external policy measures, such as import substitution industrialisation and the IMF/ World Bank SAP, that further questions were asked about the possibility of development without much external interference. One of the answers to the problems of poverty and under-development was found when the UN decided to set targets and ask poor countries to implement them. This idea heralded the signing up of the MDGs. The eight MDGs goals are meant to: eradicate extreme poverty; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), malaria and other diseases; ensure environmental sustainability; and develop a

global partnership for development. Central to these goals is the eradication of poverty and achieving a sustainable economic development.

Despite these goals, the post-Cold War period has done little to change the political and economic landscape of development or even its paradigm. Development policies have remained heavily the outcome of international experts' decisions and what they consider practicable for developing societies. Furthermore, in what Bendana (2004) called post-post Cold War era, which is marked by globalisation and the dominance of one political (democracy) and economic (liberalism) ideology, development initiatives have been 'syndicatised' among the Western European states, North America and their international institutions that promote the ideology of the universal ascendancy of liberal reforms outside their borders. Thus as Bendana (2004:1) noted:

> The MDGs formed part of an innovative international approach to international affairs firmly grounded on the concept of "liberalism" as fundamental to peace and economics. According to that approach rooted in Western history, political and economic liberalisation would be effective antidotes to violent conflict and to poverty and under-development, all under the tutelage of the rich countries and in particular a new United Nations revitalised after the disappearance of the Soviet Union.

The most intriguing question arising from the idea of MDGs is the perceived neutrality of the international economic *dramatis personae*, i.e. the IMF and the World Bank. The two sister institutions are not only the teleguiders of the development process of developing societies but also serve as the agents crippling the growth of the nationalist ideas that threaten their agenda and action in local and international political economy. While the idea of the MDGs received international acclaim and approval by the over 150 member of the UN at its Millennium Summit in 2000, in reality it has been part and parcel of a series of underlying recommendations of the World Bank, the IMF, the United States and Western European states for developing societies in a world that are guided by a single ideology.

In this line of argument, poverty cannot be eradicated when a large segment of the world's population is languishing in severe institutional, systemic and structural lapses caused by internal distortions, including the administrative, the institutional and even the attitudinal. How can the UN address these lapses? Herein lies the role played by the world body in aggregating and articulating the concerns of what later came to be known as the "Washington Consensus", this time around embodied in the UN agenda and programme of action in order to pre-empt any suspicion that the MDGs are originally catapulted by the G8. More so, to supposedly mark the MDGs out of the hitherto direct interference into the internal economies of developing societies, the UN enjoined countries to display a high sense of proclivity to implement programmes and policies that impinge on human development or, to use the words of the former U.S. President, George W. Bush, "govern justly, invest in their people, and encourage economic freedom" (quoted in Dobriansky, 2003:6).

It should be restated that while the elaborate goals of the MDGs are the ones Nigeria and indeed many other countries try to aspire to, however, the mechanisms put in place for realising them are suspicious, as they are dictated by the Western world and North America, specifically. Although the UN argues that each country needs to develop its own methods of achieving the goals of the MDGs peculiar to its environment (IIED, 2004), monitoring the progress of implementing the target goals is to be made by the World Bank that now directs resources to poor countries based on their capacity to adopt market reforms. The focus of these reforms is the creation of an'enabling environment' for the realisation of the MDGs goals through "democratic governance" not just "good democratic governance".

The Notion of MDG's Good Governance in the Development Agenda of Nigeria

Being the product of "global "interest on the poor countries of the world anchored by the United Nations whose internal structure is, ironically, not democratically determined, the MDGs place greater premium on good governance as the cardinal principle of goal

attainment by member countries. This has been well articulated by the then UN Secretary, General Kofi Annan, when he considered good governance as "the single most important factor in eradicating poverty and promoting development" (quoted in UNDP: 2004). It is pertinent to note that global interest in democratisation and good governance is the outcome of the demise of the former communist bloc in Eastern Europe and the distaste of one-party dictatorial regimes in Africa, Latin America and Asian states in the 1980s. In simple terms, as the German Federal Ministry for Economic Cooperation and Development (2004:1) noted:

> Governance describes the application of rules and processes through which authority and control are exercised in a society, political decisions are made, the rules for the scope of action of state and society are structured, and resources for economic and social development are administered.

As a concept, good governance, like the concepts of civil society, democracy and human rights, etc. is a value-loaded term. It is a multidimensional concept. Three of its dimensions are thus provided as: security governance, political-administrative governance and socio-economic governance. Ideally, what is good in governance is intrinsically and dialectically determined by those governed in their assessment of the leadership performance of state actors. This, in turn, is a function of the needs, aspirations and socio-economic and political values of the people.

For this reason, one can discern two categories of governance – *instrumental* and *expediential*. The former is the type of governance that developing societies like Nigeria are expected to adopt as a guide to achieving development goals because of the multiplier effect that goes with it. It is seen tangibly in the way the lives of the poor people and the society in general are qualitatively transformed. In this form of governance, mechanisms for good governance are internally generated, conditioned and consolidated from within than from outside. The notion of good governance from this perspective is essentially a participatory social action. It is also a sustainable, legitimate and acceptable process of social engineering, which is popular and guided by transparent and accountable leadership. Its

central goal is the promotion of equity and the recognition of diverse interests; it operates under the rule of law and engenders and commands respect and trust from civil society.

Within the context of development process, governance is therefore more than a two-way approach towards the expansion of the resource potentials of the state through public participation for effective, transparent and accountable leadership aspired by the people (St. John, 2000). It is a yardstick for measuring not only the maturity of government but also a barometer for assessing its legitimacy and democratic credentials. In this process, governance is said to be good when, in the words of St. John (2000:1):

> The goal of governance initiatives should be to develop capacities that are needed to realise development that gives priority to the poor, advances women, sustains the environment, and creates needed opportunities for employment and other livelihoods.

The other type of governance is promoted by the Organisation of Economic Co-operation and Development (OECD), the World Bank, the International Monetary Fund (IMF) and the United Nations for economic and political expediency in the guise of promoting an ideology or system. Bendana (2004) noted that this form of governance is informed by the Washington Consensus. In his words:

> According to the Washington Consensus, good governance consists essentially as the political administration of economic policies: the deregulation of exchange, trade and prices systems, the preferential treatment of individual and corporate investors, while eliminating governmental involvement in credit allocation. In short, all measures necessary to complement and reinforce neo-liberal economic policies while leaving the social model untouched (2004:2).

Thus, at various international fora policy experts and neo-liberal economists invoke the concept of good governance as a means of achieving the end of economic growth and development through partnership or cooperation with state and multilateral institutions in

return of Official Development Assistance (ODA) to developing societies. This is to say that the notion of what is good in governance as entrenched in the MDGs is the conception of governance from the history, context and dynamics of social relations as well as the philosophy of western societies. In the words of the IMF's Managing Director, Michel Camdessus (quoted in IMF, 1997:1):

> Good governance is important for countries at all stages of development….*Our approach is to concentrate on those aspects of good governance that are most closely related to our surveillance over macroeconomic policie*s – namely, the transparency of government accounts, the effectiveness of public resource management, and the stability of transparency of the economic and regulatory environment for private sector activity [emphasis added].

In Nigeria, the awesome prolonged period of military rule, which had been characterised by corruption, banditry and the pillory of the economy, informed the interest of the international financial institutions in working out an enabling environment for good governance to flourish in order to allow the passage of neo-liberal agenda. Needless to mention that both the IMF and the World Bank had in the early years of the Structural Adjustment Programme (SAP) in Nigeria and elsewhere in Africa promoted the idea of a "capable state" or "political will" as the sine qua non to institutional and administrative reforms of the public sector.

By the 1990s, these institutions considered good governance as one of the preconditions for development cooperation. Also, state institutions dealing with development assistance, such as the United States Agency for International Development (USAID) and the Department for International Development (DFID), considered good governance as the first criterion for partnership. For example, in March 2002 in Monterrey, Mexico, the U.S. and the EU pledged to increase their annual ODA to developing countries. One of the conditions for such assistance was the political and economic opening by the recipient countries (Vandemoortele, 2003). This requires some institutional, legal and administrative reforms, which

are premised on the age long assumption of the modernisation school, now encapsulated in the MDGs. Central to the instruments of the MDGs is a "Big Push" approach, which erroneously lends credence to the view that a tripling of financial transfers from rich industrialised nations to poor societies could solve the global inequality and poverty problems by the year 2025 (Un muBig, 2006).

Democratisation and Good Governance in Nigeria's Post Military Era

Without going into any conceptual clarification on whether or not democracy has been firmly established in Nigeria since 1999, this chapter sees the country's post military civilian era as a democratic transition. By this notion, democratisation in Nigeria is seen as an ongoing process, that is, a continuum, which entails different phases. The first phase is that of the struggle against colonial rule and the expansion of the struggle for self rule; the second relates to the struggle against military authoritarian rule in which demand for the expansion of the democratic space and the call for the end of military rule were vigorously pursued by the civil society; the third is the process of learning the state of the art, a period in which democratic institutions are expected to be well established and the democratic culture accepted and imbibed by the state actors and civil society at large. In this phase, success and goal attainment depend on how quick the leaders and the society learn to work on the basis of democratic principles and practices.

The final phase is that of reaping the fruits (dividends) of democracy; democracy and its consolidation. The process of democratisation may take a long or a very short period, depending on the mindset of the state and society. Nigeria is currently in the third phase of democratisation. This explains why mistakes and misdeeds are made at an alarming rate.They include the excesses of the powers of the executive on different issues that affect national development and the failure of the state to adopt sufficient mechanisms for a meaningful, effective and enduring conflict resolution in the federation.

The tail end of the 1990s offered Nigeria the long, anxiously awaited return to civil rule. The prolonged period of military rule in the country not only bastardised the process of nurturing the culture of transparency and accountability in governance, but also sewed the seeds of discord and political uncertainties, which invariably exacerbated poverty (Jega, 2006). There have been several attempts at improving the lives of the poor majority in Nigeria. Most of the policies initiated have failed to achieve any meaningful outcome because of lack of political will on the part of the state and corrupt practices associated with the implementation of different plans, projects and programmes initiated. Of particular importance among the various poverty alleviation programmes implemented included: the National Development Plans (1962-1980), the Universal Primary Education (UPE) with its emphasis on education for all; the National Directorate of Employment; the Directorate of Food, Roads and Rural Infrastructure (DFFRI); the Better Life for Rural Women; the establishment of Community Banks and the various agricultural (World Bank-assisted) development projects of the 1980s and 1990s.

In spite of these laudable programmes and the huge amount of money spent, the rising profile of poverty has not been addressed. Whereas in 1960 only about 15% of the Nigerian population were poor, however, by 1980 and 1999 this percentage had risen to 28% and 66%, respectively (FOS, cited in Garba, 2006). The staggering effect of poverty in the country can be seen from the World Bank's (1999) Human Development Index (HDI) Report, which placed the country's HDI as low as 0.416 and put the percentage of the poor living below $1 dollar a day as high as 70% (Elumilade and Asaolu, 2006).

Not much good in terms of governance can be ascribed to military rule in Nigeria. In the face of excruciating poverty in the midst of plenty of resources, the generality of Nigerians expected that the return to civilian rule in 1999 would usher in a new era. If anything, say Elumilade and Asaolu (2006), the 1999 World Bank Report was a major stimulating factor in making the new civilian government review the existing poverty alleviation schemes in order to harmonise and improve them for effective results. First, the

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government started with re-structuring the institutional framework for tackling poverty by setting up the Presidential Technical Committee on the Review of all Poverty Alleviation Programmes. Three other related presidential panels were also set up – the Presidential Panel on Rationalisation and Harmonisation of Poverty Alleviation and Agencies; Committee on Youth Policy, Concept of the Youth Empowerment Scheme and; the Blueprint for Poverty Eradication Programme. After intensive assessments of the past policies on poverty reduction, the findings and recommendations of the three Presidential Panels were integrated to form the National Poverty Alleviation Programme (NAPEP) launched in January 2001.

Second, in order to address fundamental institutional defects and decay, the principle of due process has been entrenched to curb corruption and other corrupt related practices in the country. Although one can say that the notion of MDG's good governance covers the area of accountability, transparency and due process, in reality there is little to suggest that intervention in such areas is beyond rhetoric designed to set up parameters for bilateral and multilateral supports with countries like Nigeria.

In each of the two measures taken by the Nigerian state, there seems to be little, if any, achievement made. In the first place, despite the introduction of the poverty alleviation strategies at the federal and state levels, bureaucratic bottle-necks and corrupt practices in the management and implementation of poverty programmes have remained basically the same as they were seen under military rule. Apart from the poor administration of funds meant for the National Poverty Eradication Programme (NAPEP) and the National Economic Empowerment and Development Strategy (NEEDS) and the State Economic Empowerment Development Strategy (SEEDS), there was the problem of the misplacement of priority and lack of the proper monitoring of the activities of these institutions. Despite the release of ₦300 million each to every state in the six geo-political zones and the disbursement of about ₦2 billion by the Federal Government as a NAPEP initiative, the programme has been hampered by politicisation as well as bureaucratic bottlenecks in the administration of funds. It is not surprising, therefore, to note that

the first MDGs Progress Report on Nigeria suggests that the country was far from realising the goals set out for the poor by 2015, particularly the goals of eradicating poverty and hunger mainly due to poor implementation and effective monitoring (National Millennium Development Report, 2004).

The report has also identified three major challenges to the realisation of MDGs in Nigeria - the heavy external debt burden, persistent poverty despite a series of government interventions and corruption. Although the government succeeded in getting a debt relief of over $30 billion from the international lending institutions and has shown a concern for addressing poverty through the Economic and Financial Crimes Commission (EFCC), these interventions have not been translated into improvement in the standard of the living of the poor segment of the Nigerian population. To a greater extent, the failure to transform the lives of Nigerians is not attributable to liberalising the domestic economy, but how democracy is capable of providing the requisite good democratic governance.

The idea of good, democratic governance, not just good governance, occupies a little space in the agenda of the action of neo-liberal reformers in developing societies. Broadly defined, good, democratic governance "is a process of management of public affairs, across all tiers of government, which is seen to be responsible and responsive to the basic needs and aspirations of the people" (Jega, 2007:5). Whereas 'good, democratic governance' entails responsive and responsible leadership, grassroots empowerment and institutional strengthening, both horizontally and vertically, on the other hand, the neo-liberal notion of 'good governance' is "virtually "satanising" the state while exalting the virtues of the market" (Bendana, 2004:2). Consequently, with the implementation of what later came to be known as the "Obasanjo Economic Reform Policy", the process of selling state-owned public corporations to private investors and several times increases in the prices of petroleum products created a contradiction in the attainment of the MDGs, i.e. the reduction of poverty by 2015. Inflation and the increase in the prices of foodstuff, drugs and other

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consumables took a great toll on the poor masses, thereby marginalising them from the mainstream benefit of development. Because of the rising unemployment and social crimes in the country, social tension, youth restiveness and ethno-religious conflicts in different parts continued to recur. These problems have been caused by the massive displacement of people and the exponential rise in the number of the poor in the country.

Within the context of the democratisation process in Nigeria since 1999, the basic aspirations of the people not met are manifold. However, the most crucial ones are responsive leadership, which can be seen as the product of the disillusionment experienced by Nigerians in the prolonged period of military rule and poor governance under civilian rule. Others include the abuse of the rule of law, lack of economic empowerment and failure to provide the substantive dividend of democracy to the poor and the absence of equity, justice, accountability and the rule of law. The extent to which the government failed to provide these basic requirements since the return of the civilian rule is worrisome.

A major starting point of meeting the MDG's good governance yardstick and indeed any qualitative art of power relations that would transform the lives of the people is the ability of a political system to provide an adequate mechanism for the smooth conduct of elections and transfer of power from one regime to another in free and fair elections. This is an area in which many African countries are still performing below expectations. In Nigeria, the failure to conduct credible elections has resulted in the erosion of political legitimacy on the part of public office-holders, who, in some cases, perpetrated all sorts of election rigging and misconduct to get elected. The 2003 and 2007 elections in the country were marred by brazen electoral fraud allegedly aided and abetted by security personnel and the officials of the national electoral body, the Independent National Electoral Commission (INEC). Where democracy is devoid of credible elections, good democratic governance is negated from the start and the sovereignty of the people is relegated to the background, if not completely corroded and denied. The result is that majority of people would be

subservient to the whims and caprices of the political actors, who are shielded from any legal action by the immunity clause and, therefore, conduct themselves based on their proclivities. This explains the motive behind the spate of corrupt practices, which took a frightening proportion following the Economic and Financial Crime Commission (EFCC) revelation about the foreign accounts and assets of some state governors.

Paradoxically, even with improvement in the freedom of speech and respect for the rule of law, the efforts of the government in establishing a peaceful democratic society has been thwarted by a lot of problems. Some of them are systemic and therefore, have much to do with the way the institutions of democracy are used for expediency. Others are attitudinal and this has to do with the failure of the Nigerian state and the political elite to change their attitude of "business-as-usual" and cultivate a new mindset that conforms to sound democratic principles. Hence, Nigerians, including those in the Diaspora, are not only disenchanted and disillusioned with the manner the government is toying with public affairs but also lost hope in the crop of leaders in the country at all levels of government. In the words of Chinua Achebe, "I'm disappointed with Nigeria…

Nigeria is a country that doesn't work" (BBC, African News: 2004). Thus, if at all the goals of development are to be achieved within the context of MDGs, a condition of good democratic governance needs to be created. It is the basis for legitimacy, social mobilisation and action because of its responsiveness to the yearnings and aspirations of the poor majority of the population. It is often translated into the provision of basic infrastructure, access to medical and health care services and the educational, industrial and agricultural development of society. Social and economic empowerment is a function of the internal as opposed to external dynamics of productive forces. The neo-liberal notion of good governance is based on the dual precepts of market and globalisation, private sector and liberal democracy. Whereas the strategy of development from the notion of private interest is capital accumulation and investment in national economies of developing societies, the real concerns and needs of

these societies are grassroots economic empowerment and the development of the productive potentials of their people.

By 2007, eight years to the expiration of the MDGs target (2015), the so-called empowerment strategies of the Nigerian state had not yielded any remarkable impact on the lives of the people. The chief reason being that:

> [the] poor people of this country face a paradox of having so many alleviating programmes to lessen the effect of poverty that is ravaging them and at the same time having to cope with incessant increase in prices of petroleum products which the same government that claims to be fighting poverty is foisting on them through Petroleum Products Pricing and Regulatory Agency (PPPRA). The incessant increase has worsened the purchasing power of the masses because the multiplier effect of increase in petroleum products has aggravated the inflation rate to the extent that many people in the recent times have become scavengers (Elumilade and Asaolu, 2006:70).

Apart from increase in the prices of petroleum, which contradicts the poverty alleviation policies of the Nigerian state, there is the illusion of poverty in the midst of plenty resources. Nowhere is this phenomenon found to make a direct impression than in the area of equity in the distribution of resources in the country. With proven oil reserves estimated at 40 billion barrels and the largest natural gas reserves in Africa, Nigeria is not only an archetypal example of the "paradox of plenty", but is said to be one of the "socially unjust and inequitable of all political economies" (Lubeck et al. 2006:6). This view has been amplified by World Bank sources, which reveal that 80 percent of the oil money in Nigeria is concentrated in a few hands, which constitute only 1 percent of the population, thereby leaving more than half of the country's inhabitants in abject poverty. The level of poverty in the country is more pronounced in the northern parts where there is an average poverty incidence of 70.1 percent compared to 34.9 percent for the three southern regions (Soludo, in Mohammed, 2007).

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In a country where 70 percent of private wealth is kept abroad and more than half of the population live on roughly $1 per day, there is every cause to say that meeting the MDGs in 2015 was not only an illusion but a betrayal of the trajectory of development. Moreover, going by the UN Human Development Report (2005), which ranked Nigeria 151 out of 177 countries, from her once 158th position it is unlikely that in the next eight years the leadership will turn around the economy to achieve the "MDGs eight", particularly the reduction of infant and maternal mortality; the eradication of hunger and poverty; achieving universal primary education, promoting gender equality and empowerment; and combating the scourges of HIV/AIDS and diseases, such as malaria fever, tuberculosis and cholera.

Conclusion

It is undoubtedly clear that the MDGs form the most recent UN attempt at addressing the problem of poverty in developing societies and that its major flank of action is at least reducing hunger, which is in line with the age-long dream of poor countries. However, a word of caution needs to be voiced out, particularly on the role of international political economies in supporting the cause of MDGs. Although it has been clearly stated that the instruments of fighting poverty under the MDGs are supposed to be created by each country based on its development needs, it should also be noted that the MDG is premised on "global partnership". It is within this context that this chapter argues that such partnership is mainly used to "import" the liberal agenda of market reforms as a condition for international cooperation, debt relief, support of democratisation and public-private sector partnership.

Nigeria's experience suggests that it is not just democracy that matters in reducing poverty but 'good democratic governance'. The type of neo-liberal perspective of good governance, as promoted by the IMF and the World Bank, is a grand design for spreading the tentacles of global capitalism and liberal democracy disguised in globalisation and international partnership. Unless critical issues of development, such as the proper empowerment of the poor through comprehensive poverty alleviation policies, are introduced and made

to penetrate, the different areas of economic activities relevant to the needs of both rural and urban areas in the country, the problems of the poor can hardly be solved. It is when development policies are tailored for and targeted towards the poor that the country will be put on the path of genuine poverty alleviation strategies; not the ones promoted the guise of neo-liberal expansionism.

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CHAPTER THREE

Nigeria's National Development and the Crisis of Rising Expectations: A Reflection on the Roadblocks to Development[1]

Introduction

At independence in 1960, Nigeria was put on the same pedestal of a retinue of the newly emergent Asian and Latin American states that stood the chance of achieving accelerated economic development. This expectation was also re-echoed by national and international scholars, agencies and commentators in the years following the discovery of oil in commercial quantity. Expectations were specifically high that industrialisation in Nigeria would bring forth the mobility of the factors of production, urbanisation, infrastructural development and a high level of income and investment largely due to increased volume of economic activities, leading to forward and backward linkages among the various sectors of the Nigerian economy. In fact, a careful reflection on the objectives of the Second National Development Plan (1970-1974) would show us that, in the 1970s, Nigerians did not hold a pessimistic view of development. Specifically, the plan was premised on a multi-dimensional vision of a united, strong and self-reliant nation; a great and dynamic economy; a just and egalitarian society; a land full of bright opportunities; and a free and democratic society (Onimode, 1981). Coincidently in the decade, the country became the second largest exporter of crude oil in Africa and the sixth in the world. Paradoxically, however, weak economic policies, poor management

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of the economy, contradictions between policy objectives and implementation and crippling leadership crisis in the face of corruption as well as weak democratic institutions combined to make Nigeria's experience, in spite of oil riches, that of a land of poverty in the midst of plenty. At the tail end of the 1970s and thereafter, national development and the expectation of achieving a self-propelled and sustainable socio-economic and political transformation became an elusive dream. The country became worse than other developing countries hitherto grouped as the possible newly industrialising countries of the world, such as Indonesia, Malaysia, Singapore, Brazil, Venezuela and Argentina. Worse still, Nigeria was lagging behind many sub-Saharan African states, including Cameroon, Zambia, Senegal, Ghana, Togo and Benin in GNP per capita (Eneh, 2009).

At another level, democratic development in Nigeria has passed through its nauseating trajectories. Since the abrupt end of the first parliamentary system of government in 1966, the country has passed through its chequered history of one kind of political reform or another, but still it has not crossed the Rubicon of development. The shaky foundation of Nigeria's democratisation process, with its high level of bureaucratic corruption, electoral rigging and insecurity does not create an enabling environment that would yield much progress in terms of bringing about social justice, rule of law and the sound principles of democratic political culture embedded in probity and accountability, responsive and responsible leadership. The philosophy of development, with its associated social principle of justice, is invariably in a short sway in Nigeria. This critical dilemma has not only forestalled the process of national development but also prompted scholars to euphemistically describe the country with various adjectives because it represents what Richard Joseph (2011) considered a big mess for the African continent.

Therefore, this chapter examines the development praxis in Nigeria within the context of central issues that retard, thwart or cripple the onerous vision of national development. Specifically, the chapter x-

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rays the dynamics of politics, economy and society in the context of the contradictions of development. The chapter is divided into five sections. Beside the first section which contains the introduction. Section Two operationalises the term 'national development' and analyses its underlying features and importance. Section Three raises and answers some pertinent questions about the realities of national development in Nigeria, which I describe as a crisis of development. Section Four provides a general discussion on what is to be done to refocus Nigeria's development objectives for the betterment of the people. Finally, the last section concludes the chapter.

Operationalising 'National Development'

Development is a concept with many faces. It has been variously defined and subjected, in either of its variety of definitions, to, ideological interpretations, which make it both a relative and a normative concept. In its simplest meaning, development is said to be a process of change in the productive activities of a society, which could lead to qualitative and quantitative improvements in the political, economic and socio-cultural aspects of the people. In other words, development is a multi-faceted and multi-dimensional concept; it goes beyond a mere increase in macro-economic variables or indicators. It involves the re-organisation and re-orientation of the economy towards improved standard of living, social justice and greater participation in activities that would transform the socio-economic well-being of the society. This is to say that development from this perspective is not a temporary condition, but a permanent feature of a society.

Development is realised through the active involvement of the human and capital resources of a country. For sustainability, development is supposed to be laid at the grassroots level; its values nurtured and internalised by leaders and the led. Similarly, development from this notion is purposeful and goal-oriented. The purpose of development is to achieve a reasonable improvement in the welfare of the people. Its multiplier effect on various sectors of the economy is what brings us to the broader appreciation of what constitutes 'national development'. Therefore, development is said

to be national when its positive impact on the well-being of the society in question is felt by all and sundry.

The scope of national development is wider than development *per se* because, although it is rooted in economic development, it has a deeper and richer meaning than the concept of development. National development is all-encompassing; it involves the optimal use of national resources for greater human capital development and better living for a large number of people. It is also about the interrelatedness and interconnectedness of the various sectors of the economy in producing the economic activities that can boost industrialisation and pave the way for increase in human development capital and freedom from economic, social and political servitude. In short, national development is a function of state ideology and can be rooted in the political mindsets of leaders, who pilot the affairs of the state.

In its political dimension, when national leadership is responsive to and responsible for the nation and its people to engineer society to its economic and political independence and self-propelled social transformation, national development is said to be guided by the laws of democratic participation. This is to say that the nature of the inherent dialectics in the political economy of a society is one of the major desiderata of national development. In this nature lies the character and pattern of state formation, class alliance in the process of accumulation and the contradictions of development, which often manifest themselves in corruption, ethnicity and lack of commitment to national as opposed to particularistic class interests, local and international.

In its economic view, national development is about decision on resource allocation in order to maximally satisfy human needs to meet their material expectations; it is about equity and justice in resource management, distribution or redistribution and the supply of accessible social amenities and infrastructural facilities to the people. Thus, the purpose of national development is to improve the quality of people's live through the instruments of policy making

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and implementation. In other words, whereas no society is static in its development process initiative, the dynamics of development in societies are relative, faster and self-propelling in some societies and very tardy, confused and convoluted in others. Also, something worth recognising is the fact that the level of dynamism of national development differs from one country to another, depending on the effective utilisation of resources and the leadership capabilities of nations. Put differently, when national development is said to have positively affected the welfare of the people and redirected their resource potentials toward achieving a process of the interaction that would sustain the process of development, then we say the process of social transformation is generated. Such were the case of Asian Tigers and some low income developing societies.

Issues in Nigeria's National Development and the Crises of Rising Expectations

Issues in Nigeria's national development are recurrent, diverse and manifold; they constitute aspects of what scholars described as the 'national question'. The latter, as Jimoh (2005) aptly notes, can be seen from two perspectives, namely: inter-group relations and class relations. In its class relations conception, national development is conceived to be an issue of development, which suffers truncation at various phases in the development of a country. As a result of the intense pillory the Nigerian economy has been subjected to by the political class and their local and international allies in the process of capitalist accumulation, the tension and contradictions arising from class antagonism have become pervasive. Within the context of this relationship, one can situate the discussion on national development into two closely related but different issues. The first are national development issues that existed in colonial and post-colonial periods, and are still recurrent issues today. The second are national issues that are evolving anew as a result of contradictions emanating from the state of contemporary Nigeria.

Together, these national development concerns form the basis of our discussion because they, by all means, represent the inherent contradictions that breed the crisis of national development today and are manifested in the form of the contradictions between policy

objectives and policy implementation, the mismanagement of resources and crisis of leadership, corruption and plunder of national resources, ethno-religious conflicts and sectarian violence, failed development vision and programmes, poverty and social discontent, sour inter-group relations and the crisis of the Nigerian federation. Others are crisis in education and the collapse of healthcare facilities, oil wealth versus poverty in the midst of plenty resources, insecurity and leadership crisis, youth restiveness and unemployment, political acculturation and the dilemmas of democratisation, an alliance between the local bourgeoisie and international capital and the disempowerment and marginalisation of social groups. In short, these issues are the backbone of the national development maladies that make the country appear like the proverbial spoilt child whose recklessness denies him futures prospect in life.

For us to understand the unfolding nature of Nigeria's crisis of rising expectations in the development process, it is essential to examine the state of events right from the time the country started its journey towards development after independence. Like many other post-colonial states, Nigeria has had to grapple with a battered colonial economy, which integrated the country into the world capitalist system through the various mechanisms of exploitation and under-development (Iyayi, 1989). At independence, the expectation was that the post-colonial state would evolve some form of regulatory policies that would help to achieve a path to development through the adoption of policies with the local content of input. However, like most African countries, Nigeria ended up following the line of what Ake (2001:48) called "least resistance" nations and largely consolidated and continued with the colonial economic policies of disarticulating sectoral linkages and diversification.

As a consequence, agriculture, which constituted the mainstay of the economy of the post-colonial Nigerian state, continued to suffer from neglect and lack of diversification. This meant the promotion of some selected export crops, such as cocoa, groundnuts and palm produce, for the expanded global market. This pattern of development continued even with the introduction of the First National Development Plan, 1962-68 that saw an increase in the

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export of cash crops which accounted for 75% of Nigeria's export earnings. Despite increase in the export of some selected cash crops the plan neither envisaged a comprehensive agricultural strategy for Nigeria nor encouraged private investment in the sector (Ake, 2001). Neglect of the agricultural sector was reinforced in the decade of the oil boom (1970-80), which saw the increase in the revenue earning from exports of oil accounting for 90 percent in 1974-75. Although subsequent policies in the agricultural sector, such as the River Basin Development Authorities (RBDAs), the National Accelerated Food Production Programme (NAFPP) and the Agricultural Development Projects (ADPs), were able to increase agricultural production that was not at the rate at which the petroleum sector was generating revenue to the country. More importantly, the implementation of these policies served as a conduit-pipe through which massive foreign exchange was appropriated to international capital conglomerates that actively participated in the schemes as consultants or served as intermediaries in the procurements of fertilizers and mechanised farming implements. Moreover, state-led industrialisation through an import substitution strategy was poorly guided and managed, leading to the manufacturing of light consumer goods and the huge importation of raw materials. While the state-led strategy of import substitution industrialisation was yielding fruits in Asian countries, leading to improved capacity utilisation and massive manufacturing in textiles, food and other consumables, in Nigeria it yielded massive importation and a drain in foreign exchange.

Toward the end of the decade, following the oil glut, the dwindling fortunes of Nigeria as a result of oil export began to decline. This led to a collapse in the provision of basic infrastructural facilities. In 1982, the country started to incur a budget deficit and massive cut in public expenditure, leading to the Economic Stabilization (Temporary Provision) Act. By 1983, a budget deficit of 12 percent of GDP was incurred and real income, which stood at 200 percent between 1972 and 1980, fell by 60 percent. Meanwhile, despite the second oil boom (1979-1982), Nigeria had progressively become indebted due to the poor management of the oil windfall. In 1978, its outstanding debt was US$2 billion, but by 1985 the external

cumulative debt stood at US$19 billion and accounted for 30.7% of the debt-service ratio. In 2000, the debt increased astronomically to some US$30 billion dollars (Aremu, 2001:65-66).

The prolonged period of military rule had fundamentally altered the political, economic and social developments in Nigeria. The era of the Structural Adjustment Programme (SAP), in particular, which was imposed in 1986, had undoubtedly brought about the neo-liberal agenda sponsored by the IMF and the World Bank. The package of the recovery programme entailed liberalisation through privatisation and commercialisation, reduction in the public sector wage bill and the withdrawal of subsidy on public services, among other measures. The overall impact of SAP, as Mohammed (2008) aptly pointed out, was the deepening of the stratification of the society into two – the rich and the poor. The rich get richer with the poor becoming poorer by the day. More than any other issue in the crisis of the Nigerian development, the prolonged period of military rule promoted neo-patrimonial relationships, frightening bureaucratic corruption and the mismanagement of oil revenues. Between 1988 and 1994 alone, a total of US $12.4 billion oil windfall money accrued to the Federal Government was alleged to have been unaccounted for (*Premium Times,* 2012), while a testimony before the US House by the former Economic and Financial Crimes Commission (EFCC) Chairman, Mallam Nuhu Ribadu (2009), pointed out that between 1960 and 1999, Nigerian officials had stolen or wasted more than $440billion. This amount is said to have been six times the Marshall Plan, the total sum needed to rebuild the devastation in Europe caused by the Second World War.

The return to civilian rule was characterised by high expectations that the new civilian rule would do what is humanly possible to change the pattern and trend of development policies from the distortions experienced some years back. However, the agricultural sector continued to suffer neglect with food import hitting trillions of Naira. For example, Nigeria's food import hit N4.2 trillion yearly on only wheat (N635 billion); rice (N356 billion); sugar (N217 billion) and fish (N97 billion) (*Punch*, 2012). This displaced local production and created further unemployment and in the

manufacturing sector value added declined from 10% GDP in 1983 to 3% in 2006 (Eneh, 2009). Unfortunately, despite the introduction of an avalanche of poverty measures and later the introduction of the National Economic Empowerment and Development Strategy (NEEDS) and Vision 2020, the eradication of poverty became an elusive effort. In most cases, poverty alleviation programmes were heavily politicized, ill executed and suffered from inadequate funding. The current Nigeria's vision to become one of the world's 20 largest economies by 2020 is not only ambitious given the tract record of infrastructural decay and the misnomer in our political process. For example, the country requires increasing power supply from the current 4,500MW to 100,000MW in order to meet the target of this vision. Over the years, the power sector has become a conduit-pipe of capitalist accumulation in the country and the crisis of rising expectations has continued with little, if any, hope of revitalising the sector.

Massive institutionalised form of corruption, neglect of agriculture and the poor supply of infrastructural facilities, privatisation and massive unemployment as well as insecurity have characterised the civilian regime. The yearly reports by the Transparency International covering the period 2000 and 2003 indicated that Nigeria was either in the first or second position on corruption perception; only in 2006 did the country's position decline to the 6th on the index (cited in Dukku, 2012). Although the position of Nigeria had continued to decline, as exemplified by the 2011 and 2012 ranking, which placed Nigeria 143 out of 183 nations and 139 out of 176 countries, still the stink of corruption has not subsided, as top executives are found wanting on various charges of corruption. Even when compared with sister African states, the sorry state of Nigeria's position on the corruption index is heart breaking. The 2012 report rated Nigeria the second most corrupt country in West Africa and the 35th most corrupt in the world. Cape Verde is the least corrupt country in West Africa, a as it was ranked 39th on the index, Ghana was ranked 64th, Liberia was 75th; Burkina Faso was rated 83rd; Senegal and Benin were 94th; Mali and Gambia were rated 105th, Guinea was rated 113th, Mauritania and Sierra Leone

were 123rd on the index, while and Togo was ranked 128th (*Daily Trust*, December, 6, 2012: 12).

It is important to note that corruption in Nigeria has been fostered by the very political system the country is operating either because it is being operated upside-down or as a direct consequence of class relations embedded in it. The latter is a pre-determined mindset that only those in government deserve huge financial reward and that presumably power has its own pay-offs. This, perhaps, explains why while, on the one hand, development indices suggest that the country is among the poorest nations in the world, on the other hand, realities on the ground show that public officers' wage bill in comparison to other parliamentarians around the world is extraordinarily high. For example, while a Nigerian Senator earns $1.7 million per annum and a member of the House of Representatives $1.45 million, the take-home of a US senator is $174,000 per annum. This high financial remuneration is also the same for the executive arm of government at various tiers of government (Ajayi, 2012). Therefore, politics in Nigeria has over the years become the highest paid 'industry' in the country. It attracts old and new entrants on a daily basis to the extent that elections have become a do-or-die affair in which ethnicity, religious and regional divides are used to wrest power with no heed given to the implications of these phenomena on democratic consolidation.

Politics in Nigeria has, therefore, become an arena of power contestation which fuels certain anti-democratic tendencies, such as 'god-fatherism', clientelism and conflicts. This has been clearly amplified by the 2009/2010 Index of Political Instability, which shows that Nigeria was at the 44th position out of the total of 165 countries surveyed. In fact, Nigeria was placed among the category of 'high risk/highly unstable' countries. Worse still for the 'Giant of Africa', countries such as Ghana, Benin, Tanzania, Malawi, Mozambique and Ethiopia were rated more politically stable than Nigeria (Ojameruaye, 2011). Closely related to political instability is political insecurity. The two phenomena are interwoven and products of the contradictions embedded in Nigeria's political

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economy. For example, insecurity emanating from kidnappings is the result of the long neglect in the protection of lives and property of Nigerians. This, in turn, is the result of many years of channelling security attention to top government officials at the expense of the society. In addition, the payment of ransom to kidnappers either by the state or victims' family has become an easy access to wealth, particularly among the unemployed youth. Whether in the Niger Delta or in the South-east or South-south of Nigeria, the South-west or the Northern enclaves of the country controlled by the *Boko Haram*, the message of kidnapping remains the same. This message is akin to what Chinua Achebe called 'Things Fall Apart' in Nigeria or to use the title of Karl Mier's book on Nigerian Politics: "This House has Fallen"!

Kidnapping is one of the ugly scenes in Nigeria today; it rears its ugly head in the wake of political instability in the country. It has been observed that the victims of such kidnappings are mainly businessmen and women, politicians or their family members. The victims of kidnapping today involve innocent Nigerians across class, gender, religion or region. In 2012, at a summit held in Lagos, the American Society for Industrial Security disclosed that Nigeria was among the top ten countries with high kidnapping records in 2007. The country has occupied the 6th position on the Kidnapping Index. Since then, it has further moved up the ladder to the third position, after Mexico and Columbia (*This Daylive*, May 19, 2013).

In Nigeria today, national development concerns are mainly about how the country can redeem its past glory and take a sustainable path to economic development that can help it join the world's largest economies. With over 160 million people out of which over 60% represent the poor and live below $1.25 a day, the dilemma of national development has over the years generated tension and an acrimonious relationship among social groups. As poverty deepened, so are social discontent and conflict between the state and the society. Several militia groups from both parts of the country emerged out of the dire need to contest the legitimacy of the state or public space itself. These include the Niger Delta militants in the South-South, the *Boko Haram* insurgents in the North-East and

other parts of the Northern states, the Oodua People's Congress (OPC) of the South-West, the Egbesu and Bakassi Boys of the South-South etc. At various points in Nigerian political development, crude oil production and exploration have been hampered by conflicts in the Niger Delta and the country was said to have been held to ransom, as it lost N155 billion ($US1 billion) monthly to oil theft (Okonjo-Iweala, cited *Premium Times*, 2013). Cases of oil bunkering in the Niger Delta region are often sponsored by local and international syndicates that fan the embers of conflict in the regions to continue siphoning the resources of the country.

Furthermore, given the legitimacy deficit of most elected public servants, there have been growing cases of executive lawlessness, which affect governance and political accountability. Also, due to the failure of the institutions of the state to provide effective demand management mechanisms in the resolution of conflict and contestation, old agitations are revived by some groups, while new ones have emerged in full force. This, in turn, has further re-awakened the call for some form of constitutional reforms, with some groups calling for political re-structuring and some others yearning for economic re-structuring that will bring about a new resource allocation formula even while others agitate for social re-structuring in order to accommodate new demands in the reform of the constitution.

On the one hand, some other social groups continue agitating for mainstreaming gender into the political power configuration of the Nigerian state at all the levels of governance. On the other hand, there are others who are pessimistic about the endurance of the Nigerian state as a corporate political entity. In any case, the central point here is that contemporary issues in Nigeria's national development cover the whole gamut of the social, political and economic lives of the people in their daily interactions and understanding of the way forward for the country. In a modest contribution to this debate which this conference set out to x-ray, some recommendations need to be provided in order to further give room for more ideas and brainstorming.

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What is to Be Done?

The first major point of departure is for the political space and leadership in Nigeria to create an enabling environment for economic change. This change is a political one that can bring about a laudable vision of economic development, with an ideological focus on self-discipline and independence. This is to say that leadership backed by legitimacy is needed in a country that suffers from a long time elitist manipulation of the electoral process. In his *Political Elites and the Process of Democratisation in Africa,* Shraeder (1995) points out that one of the clearest signs of what he calls democratic fragility is the government's inability to manage aspects of its agenda. In this country, various development policies have been put in place over the years, but very few have achieved their target objectives because of lack of political will or policy continuity.

The role of good leadership and governance in development can be observed from the experience of Mohamad Mahatir of Malaysia, Suharto of Indonesia, Lee Kuan Yew of Singapore, Jian Zemin of the People's Republic of China, the former Brazilian President, Lula da Silva and the late Hugo Chavez of Venezuela. For example, Indonesia with a per capita income of about $55 in 1965, has recorded faster growth by the year 2000. Eleven years later, in 2011, Indonesia's per capita income rose to US$2, 981, with more than 60% of her population having access to safe water, compared with 39.0 percent for Nigeria (Sanusi, 2012). Indeed, one agrees with Sanusi (2012) that Nigeria's national development performance leaves much to be desired because it does not reflect the country's level of resource endowments, especially when one brings into focus the economies of a number of East Asian Countries. In particular, it has been pointed out that in 1970, Nigeria had a GDP per capita of $US 233.35 and was ranked 88th in the world, China was ranked 114th with a GDP per capita of US$111.82 (Sanusi, 2012). Today, China has achieved sustainable national development, which affects and positively changes the quality of her teeming number of people. The rapid growth which puts China the highest in the world and transformed her economy to the second largest after the USA is,

perhaps, unprecedented in the history of contemporary developing nations.

The second major factor responsible for Nigeria's state of development disarray is lack of developing the capacity of institutions to overcome corruption and the mismanagement of resources in the country. Despite the fight against it, the country has been smeared with cases of corruption involving various categories of office holders. Anti-corruption institutions have appeared to be more of political instruments in the hands of executives than the watchdogs of corrupt practices. Cases of corrupt practices are unnecessarily prolonged in courts for years without prosecution. In some cases, government top officials frustrated the process of investigating corruption without compromising their own personal integrity (Adeniyi, 2011). The presidential pardon given to some notable corrupt politicians by the then Goodluck Jonathan is a bizarre case, considering how the issue of corruption is politicised at the top level of power, toyed with and relegated to the background.

Thirdly, an effective poverty eradication policy for the country at each tier of government is needed in order to overcome the yawning gap between the rich and the poor and also reduce the simmering ethno-religious violence in the country. Human Development Index and poverty indicators in Nigeria and six selected (Kenya, Ghana, Uganda, Senegal and Tanzania) African countries from 2005 – 2008 show that Nigeria is the lowest in this group, despite the fact that the country had the highest per capita income among the countries. A closer examination of the poverty level in Nigeria shows that Northern states have the highest concentration of poverty (World Bank 2013 Report, cited in the *Nigerian Watch*, 2013). This has directly or indirectly reinforced ethno-religious and sectarian violence as well as youth restiveness in the region.

Finally, insecurity is a societal misnomer informed by a lot of factors and reasons. There is state-sponsored insecurity, elite-induced insecurity, externally fuelled insecurity, society-engineered insecurity, poverty-guided insecurity and politically orchestrated insecurity. Nigeria represents an archetype of all these types of

insecurity. Each has its underlying causes and effects. Overall, perpetual insecurity does not give room for development. The situation is responsible for scaring foreign investors away and, added with erratic electric power supply, the phenomenon has forced some industries to relocate from Nigeria to Ghana and Cote d' Ivoire.

Therefore, the need to carefully examine the current insecurity in the country requires some deeper understanding of the overt and covert reasons of its unfolding nature. Politically, competition for public office and power relations in Nigeria has reached an evaporation point because the stakes in politics are high. Hence, access to power means access to lifelong privileges. The need to filter who should contest for a position of public accountability on the basis of his/her track record of performance in his area of professional competence should be used as a major yardstick of access to power. Also important is the reduction, to the barest minimum level, in line with best practices around the world, of high remuneration for public office-holders. This also requires a change in the political culture of our society so as to accept issue-based politics. This change can be achieved through political education by Civil Society Organisations (CSOs) and other relevant stakeholders in Nigeria's democratisation process.

Fourthly, the need to diversify the Nigerian economy is long overdue given the vicissitudes of the price of oil at the international global market. High dependence on a single source of foreign exchange is a dangerous trend, which can mar the economy at any time. The country should strengthen the capacity of the non-oil based export of agricultural products and also promote industrialisation. Countries that have achieved accelerated development have consistently fostered sectoral linkages through diversification. The long time neglect of agricultural development has made Nigeria both an importer of food and raw materials for her local industries, thereby making local production very expensive and costly in comparison to some consumables and light products being imported from China, Malaysia, Indonesia and other developing worlds. Adequate supply of basic requirements or the growth for

industrial and manufacturing sectors is needed to foster production for local consumption and exports. A conscious policy to promote forward and backward linkages is needed to take industrialisation to where other developing countries have gone and even move faster than them in the competitive global market.

Fifthly, there is also the need to reform the educational system of the country by making it competitive and transformed to an instrument of meeting the specialised labour force needed in science and technology and in all aspects of societal developments in the 21st century. This is to say that with increasing globalisation and development in science and technology, Nigeria should not be lagging behind other developing countries that give special attention to education and are reaping its benefits in various aspects of human development endeavours. Making a breakthrough in science and technology requires huge investment that would foster researches and scientific advancement. Nigeria has all it takes to achieve this goal provided that the educational sector is not seen as a liability on the national budget.

Conclusion

The experience of Nigeria in the area of national development is a sympathetic story of trials and tribulations, as the country is by far behind the list of countries that were hitherto grouped as promising shining stars that would cross the Rubicon of development after independence. Although progress has been made in light industries, a lot still needs to be done to accelerate the development of heavy industries that will serve as the hub of the modern industrial base in the country. The high dependence on crude oil has made efforts at utilising other potential resources difficult. Poverty and insecurity, corruption and mismanagement, leadership crisis and political instability, weak institutions and selfishness have collectively made the task of national development a difficult one. As a result, a crisis of rising expectations has been set in motion to the extent that public trust is minimal and the gap between the state and the society is widening by the day, as that of the rich and poor is. Unless both leaders and the led are up and doing to uphold the destiny of the

country and make a genuine resolve to change the Nigerian society, the country will remain a back-bencher in the global stage of development.

CHAPTER FOUR

Nigeria: From Civil Rule to Democracy: What is Needed?[1]

Introduction

The making of ten years of civilian rule in Nigeria calls for a sober reflection in order to assess the extent to which the country has fared and also understand the inhibitions and prospects of the country's nascent democracy. The progression in the trend of democracy and democratic processes in the world varies from one country to another. There is no single pattern in the development of democracy as political systems differ; as value orientation of civil society and their political culture diverge (Wiard, 2002) and as changes in the perception and conception of what democracy stands for differ from one person to another and among social groups/organisations (Jega, 2007). The single most important factor in the differential patterns of democracy building is, therefore, found in the civic/political value preferences of the people and the maturity of the political system in which democracy thrives.

Thus, as time passes by and as democracy flourishes, what is most important is the extent to which the civil society imbibes the democratic ethos and the degree to which political institutions are entrenched and made to deepen democratic values in the conduct of public policy. At another level, there is a correlation between the longevity of the process of democratic rule and the extent to which the journey so far provides what is usually referred to as the "dividend of democracy". In developing democracies, to be specific, 'Third Wave' democratic societies of Africa, Asia and Latin America, the dividend of democracy is much aspired for and

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[1]The paper was published in a book by the Department of Political Science, Usmanu Danfodio University, Sokoto edited by Ogundiya, S.I., Olutayo, O.A. and Amzat, J. (2009), *A Decade of Re-democratisation in Nigeria (1999-2009)*, Sokoto, UDUS, pp. 2-20.

invariably translated to mean the 'human face' of democracy and defined as the improvement in the quality of the life of the people in terms of welfare and social service provision. This is to say that the extent to which 'democracy' is able to provide public goods for the greater number of people and the ability of its various institutions to promote and protect their fundamental human rights in addition to entrenching the constitutionality of the rule of law is what places a democratic system of government higher than any other forms of governance in the modern art of government.

This chapter critically examines civil rule in Nigeria with a view to elucidating its dynamics and provides an assessment of the system and the extent to which it has so far fared. The aim is to embark on an in-depth assessment of what is on the ground rather than what the operators of the system pledge to offer to the process of democratic consolidation in the country. In order to assess the process of democracy in Nigeria, which, by any means, is not an easy task as the areas to be covered are boundless, as scientifically and systematically as possible, a thematic overview becomes necessary. Hence, for the purposes of this chapter, four sections are provided. In Section One, a distinction is drawn between the concept of democracy and the term 'civil rule'. The section also highlights the framework of analysing civilian rule in Nigeria. In the second section, a prelude to civil rule is examined and contextualised in order to shape our understanding of its dynamics in the last ten years (1999 - 2019). Section Three examines the dynamics of civil rule in Nigeria: its ironies and areas of development for present and future consolidation; while Section Four examines what is to be done in Nigeria's journey to democracy and its consolidation.

Civil Rule, Democracy and Democratisation: Conceptual Issues
Although mutually inclusive and re-inforcing, civil rule and democracy are not the same; the former is a precondition of reaching the latter. A democratic system of government provides the process of the 'civilianisation' of rule. In its simplest definition, democracy is a limited government (Weingast, 1997). It involves a process of electing leaders who will form a government of the people with a view to representing the interests of the generality of members of the

society. Democracy is aimed at realising "the organisation of people, by the people themselves, to attain the collectively self-defined, and ever improving, higher levels of civilisation" (Asobie, 2007:4). This conception of democracy suggests that it is a representational government, which is based on the consent and will of the people; a responsive and responsible government in which the majority upholds power without suppressing the interests of the minority.

Democracy is different from civilian rule in various aspects of governance as well as in form and content; however, the prime mover of democracy lies in civil rule. On the one hand, democracy thrives on enabling ethos, practices and institutions that are fully or virtually mature so as to guarantee continuity through fair play, debate, compromise and opposition. On the other hand, there may be civilian rule in a country without the necessary condition for democracy to thrive. In such a situation, the government is a product of civil society, not led by comrade in arms but by elected civilians. and yet it would neither exhibit democratic credentials and tendencies, nor govern on the basis of the principle of rule of law. In some cases, a civilian rule, in contrast to democratic rule, bears many semblances of democracy but the government may not be considered as democratic. In civil rule, democratic institutions exist and take some time to mature. In the process of permutation to the level of the maturity of these institutions, both the political class and the civil society make mistakes. Nigeria is still under civilian rule and is in the process of democratisation. Therefore, the country has not reached a stage in which one can aptly say the conduct of democratic institutions and the civil society is in tandem with what abounds in mature democracies of Western societies.

The problem of the operationalisation and adaptability of democratic practices is still apparent. The word "democracy" is a very fluid concept with varying forms: direct, representative or indirect, republican or liberal and/ or socialist. Yet, it is very clear that the model Nigeria adopts is liberal democracy based on the pattern of government (the presidential system) established in the United States of America. In this regard, Nigeria is utilising the environment of civilian rule after a prolonged period of military rule

to democratise itself. If the country is successful in the democratisation process and finally attains democratic consolidation, as in the case of Senegal, South Africa and recently Ghana, it will be regarded as a democratic state. For example, like many other African states after independence, Ghana, formerly known as Gold Coast, had parted ways with the then promising democracies in the continent following the overthrow of the country's independent nationalist leader, Kwame Nkrumah, in a military coup in 1966. Since then, government in Ghana has been alternating from military to civilian rule until 1992 when Flight Lieutenant Jerry Rawlings (Rtd.) was elected as president in one of the freest and fairest elections of government in Africa. Rawlings was re-elected in another round of elections in 1996 to serve his second term in office as the Ghanaian president under the platform of his party, the National Democratic Party (NDC). The party lost power to the New Patriotic Party (NPP) in 1999 and then the NDC returned to power after the December 7, 2008 national election and two presidential run-offs on December 28 and January 2, 2009. The outcome of these elections saw the emergence of Professor John Evans Atta-Mills as president of the Republic of Ghana elected under the platform of the NDC.

The 2008 election was Ghana's fifth since her return to multi-party democracy in 1992. The country is now a stable democratic state not only because of its successful systematic transfer of power from one legitimately elected government to another, but also for the fact that the political *dramatis personae* and the civil society in the country have learnt to be governed by democratic norms. They have imbibed and developed the mind-set of adopting political tolerance, participation and the rules of competitive politics. The lessons to learn from the Ghanaian experience, particularly by Nigerian political actors, are quite enormous. In the latter, politics is not transparent. Elections since the return to democracy in 1999 have been heavily rigged, especially by the then ruling party, the People's Democratic Party (PDP). Over fifty political parties exist, but many of them are weak and dysfunctional without ideology; the politics of "god-fatherism" has overtaken that of principle and renewal; the electoral body (INEC) is politicised and has become a partisan

institution; politics as business and wealth acquisition has taken over selfless service and patriotism. In fact, the democratisation process in Nigeria since 1999 leaves much to be desired.

Thus, democracy is essentially based on the fulfilment of conditions, which are not similar in any case, but profoundly noticeable; it is not an event but greatly influenced by various practices not just periodic elections. The successive transfer of power from a civilian to a civilian administration in Nigeria since 1999 does not guarantee democracy in the country because overt and covert rigging and contestations have marred elections. As a result, various governments at different levels lack legitimacy as they clearly lose the democratic basis of their mandate. This, in turn, makes them overlook various aspects of democratic ethos.

In a country where a prolonged period of military authoritarian rule has engendered the delicate processes of goal attainment and difficulties in the entrenchment of democratic values, civilian rule, if well utilized and sustained, is a prelude, a stepping stone, indeed a means of reaching a stage in which the society is said to have attained a democratic system of government. This process of the 'utilisation' and 'sustenance' of democratic values and cultures, in the state, democratic institutions and the civil society, can best be achieved within the realm of the democratisation process. The large number of 'Third Wave' democracies that have passed through a one-party system or military authoritarian governments and are striving to entrench democracy through a series of programmes called transition are experiencing a process of democratisation.

Thus, despite the return to civil rule in 1999, Nigeria has not yet attained the status of a full-fledged democratic nation, which is to say the country is still not disengaging from her unending democratisation process defined "as the process of transition to a stable/consolidated democracy" (Omotola, 2007:247). As a process, the journey to democratisation is a long one. Its beginning may be known. However, its terminal end is not definable. Depending on the speed with which a political system and its various institutions

are well disposed to and committed in the democratic project, democratisation may last for a decade or a century or so. All this long, it is often characterised by some pitfalls, ironies and even tragicomic actions by its various movers and shakers, especially political actors.

The goal of democratisation is to nurture democratic values and cultures both horizontally and vertically. Horizontally, it involves transparency, accountability, responsive and responsible leadership on the basis of rule of law. It involves not just "good governance" but "good democratic governance" (Diamond, 2004; Jega, 2007) whose heritage and legacy lie in people's participation in the public policy making process and their enjoyment of the dividends of democracy. In addition, when elected public office holders open the scope of public participation, respect the fundamental rights of citizens and govern democratically in order to lead by example and sail the ship of democracy towards good democratic governance for both present and the future generations, civilian rule is said to be positively responding to the vision and mission of democratisation. In short, as the institutions of horizontal accountability, such as the legislature, the executive and the judiciary as well as the police, among others, abide by and respond positively to democratic values, democratisation is, thus, taking its proper shape and heading towards consolidation.

Vertically, when the civil society as the "third sector" is imbibing the culture of *civitas*, (civility) through changes in new values, democratisation is said to be vertically promising and responding to a new set of democratic ethos in contradistinction with hitherto military entrenched values. Thus, democratisation, as Adejumobi (1999:4) aptly notes:

> [i]s a process through which the institutional infrastructure, germane to the construction of a democratic polity, are established (e.g. parliament, independent and impartial judiciary and Police, press etc), civil liberties are codified and guaranteed, the rule of law suffice and a process of constitutionalism engineered.

The present trend of democratisation in Nigeria gives a cause for concern, not only because it started waywardly, moving epileptically and becoming less promising in the course of time, but this is because of the fact that its inherent contradictions are discernible in all tiers of government and its successes are minimal and uneven. Although military rule is an aberration, the fact that Nigeria has passed through a turbulent period of this form of rule is not an antithesis to the development of an enduring civilian regime in the country. Even many democratic political systems of the contemporary world, such as France, Spain and Germany have become democracies after passing through a trajectory of instability often characterised by authoritative rule. In some cases, as in the case of France, authority alternated between authoritarian democratic regimes and the democratic system of government. This is to say that what Nigeria experienced in the last three decades before the return to civilian rule in 1999 was not a misnomer, which cannot be reversed for the future development of democracy. However, what seems to be a recurrent decimal in Nigeria's fledgling democracy, which is quite different from the experience of some of the so-called mature democracies cited above, is the inability of the political class to learn from their past mistakes with a view to correcting the present political process for future democratic consolidation.

There is no doubt in the fact that in Nigeria today three related contradictions of civilian governance are discernible. First, the contradiction between the institutions of democracy and expectations on the enrichment of democratic values. Second, there are contradictions between expectations on good governance and the realisation of democratic dividends. Third, the contradiction between the democratic process and democratic consolidation. These contradictions are inter-woven, but each of them can lay bare the serious, if not the most frightening, contradictions of the current democratisation process in Nigeria since 1999, that is, the economic gap between the political class at all the levels of governance and the civil society. In short, the phenomenon of poverty in the midst of plenty of resources and the sheer greed of public officials to amass

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wealth and get away scot-free, trigger some questions about the viability of civilian rule in Nigeria.

Thus, in these contradictions, which shall further be addressed, one can end up asking questions like: what went wrong with civilian rule in the decade of the experimentation of 'democratic' governance in the country? In whose interest is civilian rule in Nigeria? Of what gain is democracy for Nigeria? Have the hopes and expectations of Nigerians, which were high at the terminal end of military rule in 1999, been met? What should be done to correct the fallacies of civilian rule? Is there any reason for disillusioned Nigerians to celebrate the decade (1999-2009) of civilian rule in the country?

Therefore, this chapter tries to answer these questions in the light of where the journey to the current civilian regime in Nigeria began, in what situation it is today and why something must be done to put the country on the league of democratic nations. It is against this background that a decade of civilian rule in Nigeria after a prolonged period of military authoritarian rule is worth reviewing. This is because it will provide a constructive intellectual undertaking highly cherished and valued by scholars, policy makers and stakeholders on Nigeria's democracy project.

Background to Nigeria's Civilian Rule, 1999-2009

The prolonged period of military authoritarian rule was characterised by transitions without end. Both the civil society and politicians were disenchanted, dejected and lost hope in the process of transition, which seemed endless. The Third Republic came about against the background of the truncated transition to civil rule initiated by General Babangida and later the abrupt death of General Sani Abacha in 1998, which brought to an abrupt end the visibly deceptive transition to civil rule programme. The succession of General Abacha by General Abdulsalami Abubakar in the same year came at the time of intensive pressure for a return to civil rule. Hence, the government came up with a marathon plan for the return of the country to a civilian government. It was for this reason that politicians of all shades, a mixture of ex-military officers and

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business magnates in the country, who were mainly "gatecrashers, moneybags, fraudsters and other opportunists", emerged and opportunistically ventured into politics (Momoh, 2007:4). The social forces that struggled for democracy, which included civil society groups, professional associations and human rights organisations, among others, were in disarray having been subjected to oppression and balkanisation under the reign of military dictators. Thus, only the existing politicians, anxious for power struggles and readily enriched by the neo-patrimonial military clientèle politics, were well disposed off for General Abdulsalami Abubakar's transition to civil rule. One of such groups was the G-34 politicians in which the crops of leaders that steered the helm of political affairs of Nigeria from 1999-2003 and, thereafter, including General Obasanjo, who later contested and won the presidential election under the platform of the PDP, belonged to.

It was against this background that political parties were hastily formed and included the United Nigeria People's Party (UNPP), the People's Democratic Party (PDP), the Alliance for Democracy (AD), the People's Liberty Party (PLP), the All Nigerian People's Party (ANPP) - formerly the All People's Party (APP) and the Liberal Democratic Party (LDP). In 1998, the Independent National Electoral Commission (INEC) eventually registered only three political parties (the PDP, the APP, later ANPP and the AD) on the basis of, among other considerations, their 10 percent votes in at least 24 states of the federation in the 1998 local government elections (Obiyan, 1999; Apam, 2007).

Thus, the fact that the take-off of civilian rule in 1999 has added a new political culture and dimension in Nigerian politics, scholars have different perceptions about what exactly went wrong. One of the dominant explanations, especially the one held by political economists, is the military culture school. According to this perspective, the political culture of the crop of politicians that emerged from the turbulent history of prolonged period of military rule are inescapably bound to exhibit a political tendency which is anti-democratic. While accepting the fact that the military-entrenched Constitution of 1999 is undemocratic in its essence and

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some of its fundamental provisions as well as by virtue of its lack of inputs from the civil society, this perspective argues that the militarisation of political culture under civilian rule is inevitable. For the military political culture of primitive accumulation, lack of the expansion of the democratic space, crony politics, neo-patrimonial tendencies, etc. have permeated the civilian political class some of whom served in various capacities under various military regimes in the country. This crop of politicians have been euphemistically called "militicians" (Jega, 2007; Momoh, 2007) and their style of leadership is referred to as "garrison democracy" (Bako, 2007), "authoritarian democracy" (Momoh, 2007) or "civilian dictatorship" (Sani, 2008).

It is important to note that democratic government built on the threshold of "militicians" cannot easily imbibe changes needed to propel democracy faster and ensure its effective consolidation. The failure to entrench a vibrant democratic ethos from the start has come to affect the democratic flavour of Nigerian politics, As a result, the contradictions pointed out above manifest in the practice and process of democratisation. Within these contradictions, one can locate the dilemma of Nigeria's civilian rule, which is basically its inability to provide a quick political terrain for democratic consolidation. More often than not, the Nigerian polity is embroiled in systemic and constitutional lapses, attitudinal inappropriateness and the culture of primitive capitalist accumulation, which informs the tendency of political leaders to remain in power by all means until they decide to quit politics or complete their tenure.

Civil Rule and Contradictions between the Institutions of Democracy and Expectations of Enrichment of Democratic Values

The most vital institutions of democracy in any society are the three arms of government: the executive, the legislature and the judiciary. The workings of these institutions in line with the provisions of the rule of law provide much needed checks and balances. As one of the three arms of government, the legislature occupies a central position in the process of democratic deepening, because it plays a pivotal role in the working of the separation of powers in a presidential

system of government. It determines the content and intent of public policies and their relevance to the needs of national development. Through open debates and constructive ideas, the legislature has come to play a significant role in modern democratic states, as it nurtures a culture of the free flow of ideas and information in addition to accommodating the interests of the various constituencies, which its members represent, and the nation at large (Johnson, 1992).

The experience of the first four years of military rule in Nigeria was characterised by excessive tussles between the legislature and the executive, while the judiciary was overlooked and often sidelined on various aspects that affected the process of democratisation in the country. Nigeria's leadership under President Olusegun Obasanjo was replete with executive lawlessness and undermining the natural process of evolving strong institutions for the entrenchment of democracy. The legislature was one institution that the executive stepped its shoes on and relegated its democratic essence by penetrating some of its members for support. In the first two years of Obasanjo's administration, Bako (2001) notes that the presidency "has been busy systematically destroying all democratic institutions". He further notes that the chief executive arm of government was able to occupy the political space not suitable for one person "by concentrating powers in the hands of the president in an effort to secure a second-term and perhaps perpetuate his regime even at the expense of democracy" (Bako, 2001:1). The usurpation of the powers of the legislature by the executive engendered a situation of near-democratic reversals. One of the notable unconstitutional displays of power by the regime was the monopolisation of the oil sector and its associated revenue, which was unlawfully withdrawn by the presidency without due process. Between October 2005 and April 2006 alone, the President withdrew the sum of US$1.2 billion from the excess crude oil account in order to meet part of the costs of conducting the 2006 population census (Sani, 2008). Thus, the first set of the members of the National Assembly had to work under intense pressure from the executive, which know very little about the virtues of debate, dialogue and consultation in making and passing bills. The field day was almost won by the executive

through carrot and stick, the fomentation of internal schisms in the Assembly and co-optation. The efforts of the then Speaker of the House of Representatives, Hon. Ghali Umar Na'Abba, to check the excesses of the executive proved abortive, as some of his fellow members lacked the political will to resist the advances of the Presidency.

The feud between the executive and the legislature was intense and of different kinds. However, the central issue in the conflict was over the appropriation process and later the attempt by the president to get tacit support for a third term tenure of his government. While the 1999 Constitution explicitly states that all funds belonging to the federation cannot be spent except in the manner prescribed by the National Assembly, the executive hardly saw the oversight functions of the legislature on appropriation as normal in the scheme of the rule of law. In any case, the 300-page report of the Auditor General, Vincent Azie, released in January 2003, which covers the 2001 financial year, vindicated the National Assembly because a number of suspicious payments and high level political corruption was unveiled in the Presidency. Although there has been a temporary respite in the crisis between the executive and the legislature since the end of Obasanjo's government in 2007, political corruption and internal wrangling within the legislature become the norm in Nigeria's Fourth Republic. This was more pronounced when the government divided the National Assembly on the issue of the third term agenda, which was eventually rejected by the two Houses.

The hallmark of modern democracy revolves around the process of selecting leaders, who are expected to be responsive and responsible to those who elected them, i.e. the electorate. In addition to providing good leadership and governance; transparent conduct of public office and selfless leadership devoid of corrupt practices or political vindictiveness against the opposition, election is central to any democratic process. This provides a peaceful transfer of power from one government to another and helps to establish a peaceful co-existence among the different people and social groups that make up a society. Free and fair elections are some of the important benchmarks for assessing the viability of any democratic process.

The conduct of free, fair, credible and transparent elections that will usher in an unstoppable route in Nigeria's journey to democratic consolidation is badly needed for the sustenance of democracy. Instead of breeding political legitimacy through an acceptable means of a change of leaders, elections in Nigeria serve as a precursor to political corruption, defined as "the abuse or misuse of public or governmental power for illegitimate private advantage" (Aiyede, 2008:40).

The experience of civilian rule in Nigeria since 1999 has shown that political corruption has been deeply embedded in the country's political process. Once politicians control power, they always want to retain it by whatever means possible. Consequent upon crony politics, the profound increase in the politics of "god-fatherism" increased, as control of public office becomes an avenue for personal enrichment through the process of primitive accumulation (Ayoade, 1998). Despite establishing institutions designed to check political corruption, such as the Independent Corrupt Practices and Other Related Offences (ICPC) and the Economic and Financial Crimes Commission (EFCC), the phenomenon of corruption continued and has become an endemic culture in the country. In most cases, these institutions are incapacitated through politicisation, which makes them very selective and discriminatory in dealing with corrupt public officers and politicians. With particular reference to election, which is a crucial element of recruiting leaders, of local, state and national government (Yaqub, 2006), political corruption has rendered, especially in the 2007 elections, the federal government weak and made many state Governors illegitimate because as Aiyede (2008:41) aptly notes:

> In Nigeria, corruption has made election results to have very little or nothing to do with the performance in office of politicians. Precisely because performance is not a critical factor in electoral outcome, the incentive to perform is very weak. And because corruption is effective in achieving electoral victory the incentive to resort to corrupt practices is very high.

The case of Anambra State in the aftermath of the 2003 elections is a case in point to illustrate how brazenly corruption is practised in

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the Nigeria's democratic process. Chris Uba, the 'godfather' of Anambra State politics and the Special Advisor to President Obasanjo, ran into problems with his protégé, the state Governor, Chris Ngige, and, therefore, insisted that the governor must either dance to his tune and respect the 'pay-off' deals between them or lose his appointment. The political brouhaha between the two politicians put the state in a political stalemate until the legal battle was finally settled when the Supreme Court invalidated Ngige's election and Mr. Peter Obi, who won the election in the first instance, was declared the Governor of the state. The point to note in Anambra State's political imbroglio is the weak position of INEC vis-à-vis the 'power' of 'political entrepreneurs' in the country. In the ensuing debacle in Anambra State, the People's Democratic Party (PDP) on whose platform Ngige contested the State gubernatorial election in 2003, admitted that he was not duly elected (Smah, 2008). This was dictated by the influence and money politics of his once 'godfather', Chris Uba. This is to suggest that political corruption is also facilitated by a strong institution of entrenching democracy in Nigeria, INEC, and that it lacks independence to conduct a credible election (Aiyede, 2008; CDP/CDRT Report on Financing Political Parties in Nigeria, 2008).

The journey so far in Nigeria's democratisation process had also revealed the dominance of one political party over many others in both the electoral performance and the control of public office. The ruling party, the PDP, had overly dominated the contest of political competition for power. Despite the formation of the Conference on Nigerian Political Parties (CNPP) in 2003 as a coalition of opposition against the ruling party, the supremacy of the party in the political struggles for power remained untouched. Out of fifty political parties registered to contest the 2007 elections, only the All Nigeria People's Party (ANPP) and the newly-formed but lately-registered Action Congress (AC) seemed to have, on the surface, created the strongest opposition against the PDP.

In practice, however, the political landscape was clear that the PDP had virtually shielded itself with all the mechanisms for the control of power in the country. Public opinion alluded to the fact that the

trend in which one party controls power to the disadvantage of 'weak' political parties is a dangerous scenario in Nigerian politics. This view has been seriously expressed by the civil society in various public hearings held across the country during the visit of the National Electoral Reform Committee set up by President Umaru Musa Yar'adua in 2008 to six geo-political zones. In fact, the Christian Association of Nigeria (CAN) President, Archbishop Onaiyekan, aptly captures the minds of the civil society about party politics in the country when he argued that "democracy does not exist in Nigeria… I always say that what we have been running in Nigeria for the past ten years is not democracy, but *partitocracy*: the government of the people by the party, for the party" (*Leadership*, March, 2009:1-2).

This scenario was reinforced by the disposition and political proclivity of the President, who served as a gatekeeper and presided over what Bako (2007: 4) euphemistically referred to as "garrison democracy", which "is a reverse liberal democracy operating as a neo-liberal movement by abusing the rule of law and constitutionalism". For example, in one of the party's presidential campaigns, Obasanjo made it point blank that as far as his party was concerned, the 2007 general elections was a "do-or-die" affair, which implied that the PDP would win election by all means.

Other political parties too perfected in their own rights various means of corruption in both the primary and state elections, thereby leading to allegations and counter-allegations of election rigging. With a few exceptions, incumbent state Governors clung to power and returned for a second term by virtue of the wealth they had amassed; while in the crudest form, some of them installed their puppets as Governors by ensuring that they got their party's mandate in both primary and secondary elections, respectively. Marx Van Berg, the Head of the European Union Election Monitoring Team, remarked about the 2007 election thus: "I can compare it of course with 2003, when I was the chief observer, and I had expected, really, after that was a very disappointing election, that we would see now something better. But we have not seen that, and the credibility is not there" (BBC News, Monday, April, 2007).

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'Money politics' and other related forms of nasty politicking, such as the use of hired assassins to kill strong opposition party candidates as well as the use of thugs to cause political havoc on the supporters of opposition parties, pervaded the country.

In the area of inter-governmental relations (IGRs), the federal government overlooked the principle of balanced federation, as it eroded the sovereignty of states in their daily political and administrative processes as well as in their capacity to exercise their constitutional autonomy to initiate and undertake policy actions that would change the lives of their people. Thus, the practice of a "more difficult to classify" pattern of federalism under military rule (Tamuno, 1997:16), vaguely described in different quarters as "quasi-federal", "militarist", "centralist" or "pseudo" federalism, resonated in the period of civilian regime in Nigeria, sometimes with profound effect on the independent status of states. When constitutionally empowered states decided to create more local governments in their localities, such efforts were thwarted by the central government, often for political reasons, on the ground that doing so would be met with not only the non-payment of federal grants to the newly-created local governments but also their illegalisation, as in the experience of Lagos State in 2003 amply demonstrated.

Moreover, a constitutional bottleneck that stipulates confirmation by the National Assembly of any local government created in the country is another erosion of the autonomy of states to have an independent action on matters that affect them. The result is that since 1967 when twelve states were created by the Federal Military Government led by General Gowon, states and local governments have been created several times leading to the present thirty-six states federal structure, but all these were created by successive military regimes. In other words, there has never been a time when a civilian government created local governments successfully. Suffice it to say that in the post-military period, the fear of dependence on the centre for grants has been a compelling reason by the federal government to deny states the right of creating local governments.

Civil Rule and Contradictions between Expectations on Good Governance and the Realisation of Democratic Dividends

Paradoxically, despite improvement in the freedom of speech and respect for the rule of law, the efforts of the government in establishing a peaceful democratic society has been confronted by a lot of problems. Some of them are systemic and therefore have much to do with the way the institutions of democracy are used for expediency. Others are attitudinal and hence the result of the failure of the Nigerian state and the political elites to change their attitude of "business-as-usual" and cultivate a new mindset that conforms with democratic principles (Mohammed, 2005). The result is that Nigerians, including those in Diaspora, are not only disenchanted and disillusioned with the manner by which the government is toying with public affairs but have lost hope in the crop of leaders in the country. This is why Chinua Achebe refused to accept the national honour award from a directionless Nigerian government.

Similarly, the failure of the state to provide a workable compromise with aggrieved communities on resource distribution has created a lot of skirmishes in the Niger Delta region. The situation today in the region is frightening. It takes the dimension of the abduction and murder of security personnel; policemen and military personnel as well as local and foreign oil workers. The Niger Delta Development Corporation (NDDC) and the Oil Minerals Producing Areas Development Commission (OMPADEC) as well as the recent Ministry of Niger Delta established by the Yar'adua regime are a hoax. The Ministry not only lacks the support of the people of the Niger Delta Region but even the militants are distancing themselves from it. This is to say that the main bone of contention in the region has not been duly looked into and the legitimacy of the institutions put in place to oversee the social service provision and infrastructural development of the areas may not have much difference from the past institutions established in the region.

At another level, Jega (2002:6) argues, "instead of democracy yielding peace, stability and security to lives and property, it

seems to have yielded a return, full circle, to the spate of ethno-religious conflicts and violent eruptions, which characterised military rule, especially under Generals Babangida and Abacha". Such conflicts include, among others, Hausa and Fulani pastoralists, the Umuleri and the Aguleri in Anambra State, the Urhobo and the Itsekiri in Delta State, Muslims and Christians in different parts of the country, the Birom and the Hausa in Plateau State, the Tiv and the Jukun in Taraba State, the Tiv and the Azara in Benue State, and the Ife and the Modakeke in Oyo State. The occurrence of these conflicts has created a serious dilemma for Nigeria, particularly in her quest for attracting foreign investment and tourism.

Furthermore, the critical role of the state as the arbiter of conflict creates a different meaning in Nigeria's Fourth Republic, probably because of the state's failure to adhere to the rule of law or embark on "interactive problem-solving" mechanisms in the resolution of conflict. The government tends to fuel crisis and create havoc in communities. The swift deployment and use of brutal force in the towns of Odi and Zaki Biam in Bayelsa and Benue States in 1999 and 2001 respectively testified to the argument that the Nigerian state in post-military rule has not disentangled itself from the character of the military regime in the country.

Since the end of military rule, the dream of Nigerians has been civilian rule, which could turn around the crippling economy inherited from the past authoritarian regimes and entrench the process of development for economic prosperity and greater democratic dividends. In other words, questions about the relationship between democracy and development and the extent to which the two coexist to re-launch the nation on the path of sustainable socio-economic changes occupied the minds of the already disillusioned Nigerians (Jega, 2003). In his analysis of the causes of authoritarian reversals, Svolik (2007) argues that there is a close nexus between the level of economic development in a country and its susceptibility to democratic reversals. If the economy is essentially directed towards the "liberalisation" of democracy, the process of economic redistribution is likely to become a mirage, as

only the interests of a few politicians and neo-liberal institutions are at stake, while the majority of the people are disempowered (Hippler, 1995). It is in this connection that what Hippler (1995) calls "market democracy" is reflected in Nigeria with the unveiling of the economic reform policies of the civilian regime. The key element of the reforms centred on privatisation (Okonjo-Iweala, 2006) and this policy has created a renewed concern about whether a democratic government is really interested in correcting the already debilitating conditions of public enterprises in the country.

The whole idea of privatisation in Nigeria is antithetical to democracy and the rule of law. It is being pursued with little, if any, regard to the laws that set up public corporations and enterprises. Besides, being a product of neo-liberal conception, the law which introduces privatisation and commercialisation, Decree No. 28 of 1999, and even the Bureau of Public Enterprises (BPE) are a military formulation designed to suit the nature of the reigning political set up. The law gives power to the National Council on Privatisation (NCP) and the BPE without due regard to constitutionalism. And in the implementation process, the policy of transferring state ownership to the private sector did not take into consideration the Constitutional basis of such enterprises. For example, the privatisation of the National Electrical Power Authority (NEPA) and later the Power Holding Company of Nigeria (PHCN) is diametrically opposed to the law that set it up because Section 16 of the 1999 Constitution prevents the concentration of wealth or the means of production and exchange in the hands of a few individuals or groups. The section also supports the state ownership of major sectors of the economy to which many of the privatised enterprises belong to. But the way Nigeria's privatisation was implemented raises more questions than answers. Its political economy essentially lies in the fact that friendly local bourgeoisie were favoured by the government in the transfer of privatised enterprises.

For a critical understanding of the pattern of privatisation under a civilian regime in Nigeria, there is the need to make reference to Bangura's (1986) apt understanding of the intricate class alliance in

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the process of capitalist accumulation and in anchoring the structural crisis of development process in the country. Bangura argues that the pattern of class relationship in Nigeria is not regime bound; it passes from one government to another, military or civilian. It is within the context of this coalition of interests that the period of democratisation under a civilian rule (1999-2007) had been associated with the continuation of class alliance specially anchored by the state and its cross-cutting is manifested in various areas of interest.

With the unveiling of the privatisation policy by the civilian regime, it becomes clear that politics, class alliance and reforms are at work and meant to either frustrate or provide itself compulsory accommodation in the democratisation process. The external motive of the privatisation to which the Nigerian state promised to uphold was geared towards pushing the government toward the drastic scaling down of public spending on what the IMF considered as 'unproductive' social services (Mohammed, 2008). This, in part, explains why there has been a collapse in public sector service delivery, which the government uses as a canopy for the introduction of the neo-liberal privatisation agenda.

Civilian Rule and Contradictions between the Democratic Process and Democratic Consolidation

When political institutions are not firmly rooted in the principle of democracy and the way the political class is steering the sailing ship of democracy is antithetical to the development of a vibrant political culture, the expectations and hopes of the civil society are rarely met. A positive political culture endures when political socialisation is purposeful and goal-oriented. Citizens of any democratic society learn over time and the quickest means of imbibing democracy is by understanding it as an instrument of good governance, respect of the rule of law and the provision of peoples' developmental needs. In the developed democracies of Western societies, the means of changing an unpopular government is through massive participation in election, which is seen as an exercise of the basic civic responsibility of any citizen eligible to vote. That 'democracy' has come to stay in Nigeria is not a simplistic assertion given the

dynamics of the global changes in the art of governance, which favours representation and people's participation.

However, the most important factor is to let 'democracy' thrive, so that it can turn around Nigeria's social, economic and political compass for sustainable peace and development. The current situation in which the Constitution provides immunity to the chief executives of states not only promotes executive lawlessness and political corruption but also makes the principle of accountability to the people a baseless notion of governance. This explains why by the end of the first four years of civilian rule, thirty-one state Governors out of 36 were under federal investigation mostly on allegations of executive corruption and five were impeached (Lyndia, 2006). Anti-graft laws and institution, such as the Economic and Financial Crimes Commission (EFCC), have been overly politicised. As a result, some of the state Governors arraigned before the court of law after their tenures had ended by walking away free; needless to mention that some of them even elevated their relevance in national politics by becoming members of the Senate as 'representatives' of their respective constituencies.

In a functional democracy, the observance of the laws of the land, as embodied in the Constitution and the principle of constitutionalism, defines the parameters of state actors. Where the executive arm of government overbears its constitutionally-assigned functions, the judiciary is readily available as an independent as well as impartial body to set out the legal basis of the state and the functions of its various organs. Since the return to civil rule in 1999, the judicial arm of government has operated without independence from the executive until much later when the Yar'adua government emphasised the importance of a flourishing rule of law in the country. The court verdicts, which cancelled the victory of the governors of some states in the federation, illustrated the judiciary's redemptive role in Nigeria's democracy. In one of such landmark judgements, the Election Petition Tribunal nullified the election of Professor Osunbor of the PDP and sworn in a former labour leader, Adam Oshiomhole, as the state Governor.

The Dilemma of Civilian Rule in Nigeria: What is Needed?
Learning the Ropes of Democracy
Democracy is learned and its processes are unending because it is a process of the socialisation of the minds of political actors, the system and the society at large. At different stages of its development, democracy presupposes that adjustments are made and past mistakes corrected for future benefits. When this mode of culture is cultivated in the minds of the political actors, maturity in the system is better assured. However, when mistakes emanate from recurring omissions or commissions without rational efforts at providing solutions to them, the end result is the practice of trial and error without necessarily addressing the roots of the problem. Nigeria is one of the newest democracies today. Hopes are not lost in her continuing search for sustainable democracy. The critical issue now is for the state to realise the importance of creating a good environment in which justice and equity can be established in a system where the rule of law is the catchword of the political actors. It is by these mechanisms that the negative political culture simmering in Nigerian politics called 'godfatherism', 'sit-tight' 'executive monopoly of power' and 'garrison democracy' could be checked.

Also, the culture of democracy is built and entrenched firmly when the relevant sectors of the society, particularly the civil society and its organisations, are well empowered. Democratic consolidation is a function of a synergy of commitments on the part of the state and civil society. The empowerment of the 'third sector' through active participation, meaningful political education and constructive input in the policy making process helps to consolidate democracy. The large array of organisations of civil society in Nigeria is a potent agent of political transformation through the promotion of human rights, gender equality, constitutionalism and mediation for peace in the country.

Positive Dividends for the Greatest Number of Nigerians
Second, in a situation where unemployment and poverty in the midst of plenty resources thrive, the culture of peaceful co-

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existence among different nationalities is not likely to be cultivated. One of the paradoxes of oil wealth in Nigeria is that some 80 percent of the oil monies accrue to 1 percent of the population with 70 percent of private wealth held abroad (World Bank, in Lubeck et al., 2005:7).

The existence of a wide gap between the rich and the poor in Nigeria has led to a high degree of social tension in our society. For example, the proportion of the population in poverty rose from 28 percent in 1980 to 65.7 percent in 1996 to 70 percent in 2000 (Ajaike, in Jega: 2002). Today, more than half of the Nigerian population is living below one dollar per day. Thus, poverty provides the main catalyst for heightened conflicts and communal feuds in the country. Nigeria is among the 20 poorest countries in the world. In 2002, the Human Development Index (HDI) ranking placed Nigeria 148th out of 173 countries, making the country as having the third largest number of poor people after China and India (Igbuzor, 2003:8). In 2006, the HDI report placed Nigeria 159th out of 177 countries, which is to say that the policy of privatisation in the face of democratisation was pursued in the face of excruciating poverty in the country. The 'proceeds' of the policy were not utilised to service either the country's debt, create employment opportunities or improve the supply of public utilities. As Diamond (1993:96) aptly notes, "[d]emocracy will not be valued by the people unless it deals with social and economic problems and achieves a modicum of order and justice". What Nigeria needs is not privatisation as such but leadership with the much needed transparency and accountability that would transform the public sector for effective service delivery.

Good Democratic Governance
Good governance is dependent on a responsive and responsible, transparent and accountable leadership, as well as the flourishing of the rule of law. Similarly, governance is said to be good when its dividends are not narrowly conceived to mean personal rule. When a government is entrenched on the basis of some sorts of electoral misconduct it loses its content and value as representative of the electorate. It will endanger the flourishing of the rule of law

and its social empowerment credentials. Political legitimacy in a democratic society is a function of credible, transparent and violent-free elections. Citizens in democratic societies legitimise their government because the process in which it thrives is based on conventional means. Political legitimacy is, therefore, associated with obedience from citizens because it is much easier to get the loyalty, respect and popular will of the people when they comply with the laws of their country from their belief in the legitimacy of the authority. Government's attempt to reform the electoral system by setting up the National Electoral Reform Committee is one of the most important steps taken by the Yar'adu's government. If well utilised, the recommendations of the Committee, which came mainly from the input of various stakeholders in the country, would support the process of democratisation.

Democracy and Peace Making
Governments at all levels in the federation should embrace accommodation, dialogue and consultation with different communities in the resolution of communal and sectarian conflicts. The state should also address the fundamental problems of aggrieved communities by means of dialogue and consultation. The November 2008 Jos religious crisis had its antecedents in the politicisation of religion in one of the multi-cultural set ups of the country. Thus, a culture of tolerance and transparency in governance as well as the practice of responsive and responsible leadership is required for system balance and sustenance. The point is that when leaders negate the interests of their citizens in favour of their inordinate political ambition, they overlook the rule of law. Wherever the citizens get relegated to the background, animosity and a deep-seated social relationship between the state and the society is created.

Conclusion
Civilian rule in Nigeria has a lot of promises but for these to be realised the political class needs to redefine its objectives within the context of the proper dividends of democracy. Although

mistakes and misdeeds are made at an alarming rate, the lessons of the country's nasty political experiences since 1999 can be used to hasten the process of democracy through constructive reforms in the Constitution, the electoral system and respect for the democratic verdicts of the electorate at any election. The institutions of democracy must be made to reflect the yearnings and aspirations of Nigerians. As a toddling democracy, the process of re-engineering the institutions of governance for democratic consolidation may not be easy. However, what is clear is the fact that areas of gains, such as the gradual reclaim of the independence of the judiciary and the continuing participation of civil society in areas of political reforms as in the case of the recently concluded public hearing conducted by the National Electoral Reform Committee, should be encouraged. Democracy prospers when there are democrats with deeply entrenched political values. Civil society's input in the public policy making process adds legitimacy to government, while peace and stability are the ingredients of modern day advanced democracies. Nigeria has a lot of lessons to learn from the recent American elections because it was devoid of intolerable acrimonious relationships, either between the contestants or among their followers. Nigeria is bound to move faster than the current process of democratisation, so that horizontal and vertical gains of democratisation can be attained and consolidated for present and future generation

CHAPTER FIVE

Human Rights NGOs and the Politics of Constructive Engagement in Nigeria's Fourth Republic: The Experience of the Civil Liberty Organisation (CLO), 1999-2006[1]

Introduction

By the time the prolonged military rule in Nigeria came to an end on 29 May, 1999, nobody, despite dramatic internal squabbles within the pro-democracy movement, was left in doubt about the role human rights Non-Governmental Organisations (NGOs) have played in the democratisation process in the country. Their contribution to the struggles for democracy, human rights and the rule of law has been sufficiently attested to by different scholars in Nigeria and beyond in their analysis of Civil Society Organisations (CSOs) and democratisation under military rule. One of the central issues that have been raised in most of their scholarly works is that through a 'critical engagement' with the military authoritarian state, human rights NGOs in alliance with other popular groups were able to prod the state effectively on human rights concerns and other pertinent issues of national importance, thereby bringing it to its knees. This has helped in hastening the process of political transition to civil rule.

Since the return to civil rule in 1999, the hitherto 'critical' engagement strategy of human rights advocacy has given birth to that of 'constructive' engagement which, in sharp contrast to the former, eschews mass mobilisation, conflictual or adversarial state-civil society relations and the principle of consistent opposition to the state on account of its failure to respect and promote human

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[1]Presented at a workshop with the theme "Human Rights Movement in Nigeria", Organised by the Centre for Research and Documentation (CRD) and PODSU at Mambayya House, Bayero University, Kano (2007). The paper was published in Ibrahim, J. and Ya'u, Y.Z. (2009), *The Left and the Human Rights Struggle in Nigeria*, Kano: Centre for Research and Documentation (CRD), pp. 105-134.

rights. The reason for this line of argument is that CSOs in general and human rights NGOs in particular are to determine their importance to and their role in the new phase of the democratisation process by not creating a condition that will provide a leeway for military takeover of the toddling democracy. In this view, opposition to the state, particularly through popular resistance, is regarded as the destabilisation of 'democracy' therefore, needs to be avoided.

The existence of democratic institutions and the expansion in the scope of democratic space as a result of freedom of speech, press, assembly and movement, among other factors, account for the less discharge of the energies of human rights organisations on human rights activism. However, this cannot justify the docility of the organisations in the face of the crass political overtures of the ruling party, which found expression in its neo-liberal economic policies, and a near one-party dominance of the political space. This situation, more than any other thing, calls for sober reflection of the context of Civil Liberty Organisation's activities *vis-à-vis* the political and economic performance of the Nigerian state in the post-military era. The questions to be answered in this chapter are: why 'constructive' engagement in the face of an inappreciable democratic dividend and anti-democratic tendencies in Nigerian politics and economy? What factors are responsible for CLO's taking a rear seat in Nigeria's democratic transition phase under a civilian rule? What are the prospects of the organisation in the future democratisation in Nigeria?

Human rights protection and promotion rarely comes up as a package handed over by the state to the society. Rather, the history of human rights has been that of struggle; the struggle for their acquisition, retention and consolidation. Where a political system denies the society the rights to exercise its civic responsibilities as enshrined in the Constitution or subjects such rights to the whims and caprices of the state, the result has always been a continuous struggle to fight for or regain the lost fundamental rights irrespective of the severity of state response. By the time the military government subjected the country to its misrule in the

1980s, which was characterised by oppression, injustice, abuses of human rights and the total disregard of the rule of law, it dawned on the Nigerian society that human rights had to be 'taken' from the state rather than 'given' as charity by it. Thus, the birth of Civil Liberties Organisations (CLO) represented the growing need by concerned professionals to overcome their disillusionment and stand against the authoritarian military government with a view to reclaiming the lost rights under the military rule and hasten the process of genuine democratisation in the country.

The organisation was able to be a pacesetter in organised NGO's struggles at the time when the democratic space was increasingly reduced and when other professional organisations were either in limbo, forced to surrender in their struggles or completely emasculated by the state. The strategies of the CLO under military rule were beyond any doubt commendable, as they were used in line with the critical engagement principle of civil rights movements in other parts of the world. However, following the end of military rule, the CLO and other human rights NGOs appeared to be mild and less critical in their struggle for democratisation following their adoption of the 'constructive engagement' approach of human rights advocacy.

This chapter examines not only the major factors that led to the adoption of the constructive engagement strategy in post-military rule, but also provides a critical appraisal of the dynamics of CLO's struggles for democratisation. It, among other things, analyses the context of constructive engagement and its implications on the overall mandate and strategies of the organisation and human rights NGOs in Nigeria. Central to the issues raised is the politics of constructive engagement as an alternative framework of struggles for democratic consolidation in the period of democratic transition. Therefore, the chapter raises and answers some critical questions on CLO's strategy of advocacy under a civilian regime and undertakes to provide explanations for underlying politics both in the context of the dynamics of human rights activism in Nigeria and the change in the international paradigm of democracy and development,

which stultifies its vibrancy in the face of a shrinking democratic space and near-democratic reversals.

The chapter is divided into five sections. The first section reviews albeit briefly some relevant perspectives in the understanding of CSOs activities in post-authoritarian regimes in Africa. The second section examines the origin and dynamics of the activities of CLO under military rule. It also highlights some of the successful interventions of the organisation under military rule and argues that CLO's vanguard role in the struggle for democratisation was instrumental to many of the successes of human rights NGOs in the country. In section four, the chapter examines the experience of CLO in the promotion and protection of human rights and exposes some of its contradictions. Finally, section five concludes the chapter.

Perspectives on CSOs and Democratisation

Broadly, theoretical perspectives on civil society groups and their role in the democratisation of societies can be divided into two mutually exclusive, and often conflicting, categories. First are those in support of civil society organisations as important tools for democratisation and social provisioning, particularly against the background of the steadily collapsing state institutions and, second, are those who perceive the organisations as incapacitated institutions that have a limited audacity to occupy the role of the state in the realm of social and economic development with much less significant impact on democratic values in the society they represent.

The standpoint of this chapter is that civil societies have a constructive role to play in the democratisation process of societies. This view is predicated on the belief that critical to the democratic struggles in any society is the capacity of politically informed and organised social groups to mobilise people to participate and support the democratisation project. Where there is a weak civil society, a weak political system will prosper and leave political actors at liberty to do whatever they want and remain unaccountable to the people (Okayed, 2000).

In the post-military authoritarian era, as the experiences of Egypt, Kenya, Gambia and later Nigeria reveals (Abdelrahman, 2002; Okuku, 2002; Bratton, 1994; Mohammed, 2006), CSOs have become weak, ineffective and less assertive in their quest for democratisation. It is for this reason that Gyimah-Boadi (1997) notes that, although CSOs are important vehicles for democratisation in Africa because of their group and individual autonomy from the state; however, they suffer structural, material and legal problems. According to him, apart from the suspicion arising from foreign support and assistance to the NGOs, there is the problem in the definition of their agenda after the transition. For once a democratic government is put in place, many NGOs have trouble defining a role for themselves. His position is informed by the belief that the civil society in Africa is facing new challenges and to overcome them requires not just sporadic but sustained activism. Zuern (2000) also argues that the continuing role of the civil society in many African countries is beset by numerous difficulties largely due to the interests it represents. Whereas "civil society actors were instrumental in bringing about the end of non-democratic regimes but these same actors have experienced much greater difficulties in actually establishing a new, free and functioning democratic state and society" (Zuern, 2000:96).

In his analysis of the politics of civil society in Egypt, Abdel Rahman (2002:34) advances the argument of Gyimah-Boadi when he asserts that:

> While civil society may provide the opportunity for political and social transformation, this transformation is dependent on the nature of interests represented by civil society organisations and the political power relations shaping the environment in which they develop and operate.

This perspective provides the main argument of this chapter in the sense that human rights NGOs, in general, and the CLO, in particular, find themselves in a new political environment without getting set for what the situation in it will engender for the society or their survival as civic institutions. In fact, some human rights

organisations overlook the truism that human rights struggles are everywhere a continuous process (Scoble, 1984; Aidoo, 1993; Rendel, 1997; Asobie, 1997) and where a free and democratic society becomes an illusion, their role becomes an absolute necessity. This reflects the disposition of the CLO, at least beginning from 1999 until the tail end of 2003 when the organisation played, to borrow Scoble's (1988:188) words, "a subsidiary, supportive, and generally promotional role". It was not until after the April 2003 elections that the organisation was able to reinvigorate its hitherto assertive advocacy, even though with traces of inconsistencies and less enthusiasm.

The Origin and Development of the Civil Liberties Organisations (CLO)

Two young lawyers, Olisa Agbakoba and Clement Nwanko, established the Civil Liberties Organisation (CLO) on October 15, 1987. CLO is the first and one of the largest human rights organisations in the country. Its national headquarters is located in Lagos. It is a non-profit, non-governmental membership organisation dedicated to the promotion and protection of human rights in Nigeria. Like other civil rights movements in other parts of the world where the stimulus for sustained struggles for equity, justice and the entrenchment of the rule of law necessitated their growth and development, the history of the CLO can be traced to the decomposition of the institutions of the justice system and human rights violations in the country under military rule.

It would be recalled that the period of military rule in Nigeria was characterised by a yawning gap between the state and society; creeping and crass violations of the fundamental rights of the people; persistent disregard for and the relegation of the rule of law to the background and its attendant consequences on different facets of social relations and the administration of the criminal justice system, particularly on prisoners. On the latter issue, it was said that the idea of the formation of the CLO was conceived in reaction to the injustice associated with the administration of justice and the denial of the rights of prisoners in the country. In particular, it was on a case of one long serving prison detainee, Joseph Odugu, who

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regained his freedom following the successful legal intervention of the duo's law firm in July 1987 that the idea of establishing an organisation dedicated to the victims of human rights violations was conceived. Even then, Agbakoba (1992:8) argues:

> We were unprepared for what followed. We were inundated with appeals from prison inmates who learned about our work from Joseph. They wanted to be free too. Their cases were not too dissimilar: Long stay in prison custody under inhuman conditions. *We realised we had to start organizing to meet what was a major national challenge* [emphasis added].

Thus, the inspiration for the conception of the CLO occurred without adequate preparation for the challenges that its founders were to face. First, being young practising lawyers operating a law firm in Nigeria's biggest city, Lagos, Agbakoba and Nwanko had no preconceived idea of building an organisation with a large membership because of the resources involved in such undertaking, which as starters they did not have. Second, in view of the steadily dwindling scope of political participation under military rule and the suppression of the freedom of association, the environment for the setting up of human rights NGO with elaborate mandates would surely invite the wrath of the state. For these reasons, unless commitment was matched with enthusiasm, perseverance and doggedness on the part of the young lawyers their expectations and goals could hardly see the light of the day. These qualities were amply exhibited with skilful actions, strategies and networking local and international, by the founders of the organisation throughout the period of military rule. Though registered as a corporate entity in 1987, the military government cancelled its license later. Since then, until much later during civilian rule, the organisation worked as an incorporated association.

Not long after its establishment, the profile of the organisation began to spread and attract moral support, particularly from the media, radical opposition lawyers and the aggrieved victims of human rights violations, so were its activities. In fact, more than other groups, the media coverage of the activities of the CLO had

encouraged the organisation to embark on intervention on the most controversial issues of the day, such as the unconstitutionality of governments, fair trial for coup plotters, police brutality and the administration of justice for detained prisoners without trial, etc. (Agbakoba, 1992). Central to the CLO's approach in the period of military rule was the capitalisation of local concerns to mobilise new members and sympathisers, not only in Lagos where its secretariat is located but also in other parts of the country, including some campuses of Nigerian universities. Soon, the organisation began to make impact as its constructive criticism of the military government attracted the attention of progressive professionals, academics, students and a fraction of politicians, who have been deeply touched and bewildered by the military rendition of the transition to civil rule in the face of reduced democratic space and uncertainties.

The main objectives of the CLO were monitoring abuse of human rights, educating the public about their rights and expanding the scope of human rights, the rule of law and civil liberties of all Nigerians. In pursuance of these principles, the organisation spelt out its mandate as "[t]he investigation of human rights abuses and publication of reports on them, education, public enlightenment campaigns and the use of the law courts to seek redress for persons whose rights have been violated" (CLO, 2001:5). CLO's constitution, which came into force on the 10th of December 1995, emphasised on the first generation rights and the United Nations Universal Declaration of Human Rights of 1948 inspired this. Despite the emphasis on civic and political rights, the organisation also promoted the principles and practice of human rights not only in Nigeria, as provided in the Constitution of the country, but also in accordance with the African Charter on Human and People's Rights (Constitution of CLO, cited in Activities Accounts for 2001).

In 1991 and for the first time, CLO exposed the debilitating conditions of prisons and inmates in one of its reports, titled "Behind the Wall: A Report on Prison Conditions in Nigeria and the Nigerian Prison System". The publication was addressed both to Nigerian and international audiences. In this publication, the organisation discovered and unveiled the existence of Ita-Oko

Prison in Lagos, a notorious secret dungeon of similar statue with Robben Island in apartheid South Africa.   Similarly, in their campaigns for transparency, justice and accountability, CLO and CDHR engaged the government over the sponsorship of the candidacy of General Obasanjo and Justice Bola Ajibola for the posts of United Nations Secretary General and Judge at the International Court of Justice (ICJ), respectively.

Furthermore, through research and documentation, legal advocacy and political education, CLO was able to receive several injunctions from courts restraining the government or its agents from carrying out their unpopular and undemocratic actions that would have further contravened the flourishing of the rule of law. For example, alongside other human rights NGOs, CLO had successfully secured a legal injunction restraining the activities of the Association for Better Nigeria (ABN), which started a campaign for the extension of military rule before and after the June 12 annulment. Other court injunctions secured by human rights groups included a ruling declaring the Interim National Government (ING) as illegal and demand for an open trial for the April 1990 and 1995 alleged coup plotters. They raised national and international sympathy over the judicial murder of environmental activist, Ken Saro-Wiwa, and eight other Ogonis in 1996. For the remaining years of General Abacha's regime, CLO and other CSOs condemned the injustices meted out on Nigerians over the annulment of the June 12, 1993 elections and the continued detention of the presumed winner of the election.

In the later part of military rule, at least beginning in 1993, CLO's quest for democracy and human rights was conducted in conjunction with the Campaign for Democracy (CD). So central was the role of CLO in the CD that the two organisations could hardly be separated. As one of the founding members of CD, CLO provided CD's General Secretary in the person of Chima Ubani, also a joint secretary of the United Action for Democracy (UAD). In this way, CLO played a leading role in the formation and sustenance of coalitions under military rule. In particular, one of the strategies adopted by CD was massive national and international campaigns, political education and general awareness about the indignities of

military rule and the call for mass action. Herein lies the hallmark of the critical posture of human rights NGOs' advocacy under military rule.

As at 2003, CLO claimed over 2000 active members spread all over the country (Kew, 2003), headed by a National Advisory Council (NAC) and a Board of Governors. The affairs of the organisation at its headquarters in Lagos were managed by the Executive Management Committee (EMC) composed of the President, the Vice-President, the Treasurer, the Executive Director and two staff representatives.

Generally, CLO's programmes were divided into four main project areas with each is headed by a Project Head: Democracy and Good Governance Project (DGGP), Human Rights and Civic Education Project (HRCEP), Penal Reforms Project (PRP) and; Women's Rights Project (WRP). Other project areas included: Litigation; Police and Prisons; National Expansion (membership); Annual Report; Campaign and Empowerment; Documentation and Research; African Monitoring Group; Ethics in government, etc. The CLO also published, in addition to its annual report on human rights in Nigeria, a quarterly magazine, *Liberty* and a *Journal of Human Rights Law and Practice*. These publications became famous in academic institutions and research centres and were widely read in Nigeria and abroad.

Structurally, the CLO had a total of 16 state branches outside Lagos and their activities were coordinated by six zonal offices: Northwest (Sokoto, Jigawa, Kano, Kaduna and Zamfara); Northeast (Borno and Yobe); North-central (Bauchi, Benue, Federal Capital Territory and Plateau); Southwest (Ekiti, Lagos, Ogun, Ondo, Osun and Oyo); Southeast (Abia, Anambra, Enugu and Imo); South-south (Bayelsa, Cross River, Delta, Edo and Rivers).

From Critical to Constructive Engagement – CLO's Activities and the Dilemma of Human Rights Struggle for Democracy in Nigeria

Human rights NGOs resorted to a 'critical engagement' when all the expectations of change in the character of the state on human rights violations looked unrealisable. It was an adversarial, militant and confrontational approach to issues of human rights violations and its hallmark revolved around the condemnation of the state, dogged campaigns and continuing agitation for people's rights through mass protests, rallies and civic education for mobilisation. The practice of a strategy of critical engagement was the main symbol of the CLO under military rule. In contrast, 'constructive engagement' entails persuasion and non-militant and non-confrontational relations. Its principal requirement lay in the understanding that the state can change and conform to the needs of society when its relevant sectors, including the civil society, mobilise institutions of accountability; the judiciary, the legislature or any relevant agency, in determining or changing the course of state actions.

For CLO and human rights groups in the country, the return to civilian rule after a prolonged period of military rule, particularly in the first three years of the Fourth Republic, meant that the country had changed. As a result, its strategy of militant engagement must change. The aim was purportedly to safeguard the nascent democracy on the belief that civil society organisations could contribute to democratisation by discouraging its relevant sectors from attacking civil government so as not to create room for a military take-over. Based on these principles, therefore, democratic deepening was taken to mean collaboration with partners, in both governmental and non-governmental spheres, in the sustenance of democracy, as this "will require forward-thinking, solidarity and cohesive action by Third Sector Institutions—the Human Rights NGOs and civil society organisations" (Report on the Human Rights Retreat, March, 1999:7).

The critical engagement strategy adopted under military rule was popular with both human rights organizations and a broad spectrum

of social groups in Nigeria. The target of the CLO and other human rights organisations then was to see the exit of the military government. However, under civilian rule, the organisation preferred to use the "constructive engagement" strategy not because it was the only option available, but fundamentally because the change in the political environment complied with the preference of donor institutions and agencies for a call on the moderation of "militant engagement". Other reasons include the level of 'political' relations between the leadership of CLO and the state, the shift in the attention of the press from the activities of CLO to other burning political issues in the country and lack of ideological focus - a weakness, which arose largely as a result of the organisation's pursuit of survival after military rule. The point to note is that human rights struggles can be found everywhere and they are "permanent struggles that are tied up with specific social conditions of peoples" (Adejumobi and Momoh, 1998: 184).

In the first two years of the civilian administration, the organisation seemed to be very lukewarm in its role of checkmating the state on various aspects of human rights. The impression of CLO's leadership was that: "Nigeria has changed; we must change to meet the changing times" (Obe, quoted in CLO, Activities and Accounts, 2000: 5). This orientation heralded a new pattern of CLO's disposition in its relations with the Nigerian state. The organisation not only relaxed its sharp edge of aggressive exposition of human rights violations, but also rendered its leadership role among other CSOs doubtful. It is this complacency that created an acrimonious relationship within the organisation between Chima Ubani and Ayo Obe, when the former criticised the latter's leadership for general inactivity in the years since the return to civil rule (Ubani, in Memorandum to Ayo Obe, 2001). Some organisations like the NJ saw CLO as a partisan organisation whose neglect of the struggle for human rights was informed by political considerations.

It can be said that the fire-brand posture of CLO under military rule had degenerated into a low profile activism. However, that is not to say that the organisation was "gagged" by the government or totally lacked the resources to criticise it. Rather, the lack of a

consistent means of condemning the human rights posture of the civilian government by the organisation reflected its effectiveness in changing the outcome of state action leaves much to be desired. For example, in its communiqué issued at its Annual National Convention held in Owerri in October, 2001, where CLO reviewed political and economic issues in the country, it condemned, among other things, the refusal of three former military Heads of State (Retired Generals Buhari, Babangida and Abubakar) to appear before the Human Rights Violations Investigation Commission (HRVIC). But the convention only "noted" the *de facto* transformation of Nigeria into a one-party state, showed "concern" over the proliferation of ethnic militia and "expressed grave concern" over government's policy on privatisation, among others (*Liberty*, 2001: 6-7). These were serious national concerns, which, if it were under military rule, would have been used by the CLO to mobilise the people against the government through sustained condemnation, protest and a call for mass action. The point to note is that human rights struggles are "permanent struggles that are tied up with specific social conditions of peoples" (Adejumobi and Momoh, 1998: 184) and these conditions are not better off under civilian rule as was in the period of military rule. Hence, there is the need for the sustenance of activism and awareness campaign by CLO.

To understand the reason why CLO portrayed the image of occupying a seemingly back seat in the realm of human rights struggles following the end of military rule in 1999, it is pertinent to come to grips with the relationship its leadership established with the government. This, as clearly pointed out by the organisation's Programme Officer and Head of Democracy and Governance Project, Ubani, involved politics (Memorandum, 2001), which not only affected the organisation's position on issues of national concern but also its zonal operations (Executive Report to CLO's Board, September 14, 2002). The hitherto critical appraisal, which characterised CLO's report on the state of human rights, for the first time in 1999, changed to what Ubani called "a compilation of election data for the 1999 elections than an Annual Report on Human Rights for that year" (Memorandum, 2001:2). Olisa

Agbakoba, who was CLO's founding president, was awarded a national honour (Officer of the Order of the Niger, OON) by President Obasanjo in 2001. His successor, Ayo Obe, was in the same year appointed member of the Police Service Commission (PSC) to represent CSO's in Nigeria. All these 'honours' have a direct or an indirect bearing on the effectiveness of the CLO in its human rights activities.

In the years of the return to civil rule until after 2001, the organisation did not comment, react or issue a press release or statement on human rights abuses (Obe, cited in Memorandum, 2001). This was partly informed by the political interests of the organisation's leadership, which gravitated towards the ruling party for the realisation of political ambitions. In some ways, therefore, one can say that it was a welcome development for human rights activists to actively participate in politics and contribute their wealth of experience in the democracy project. However, a contradiction arises when a member of an organisation that had been in partisan politics and still retained his membership. Once a situation of this nature arises, crass opportunism creeps in and whittles down the public profile of such an organisation. Hence, CLO's autonomy as a civil society organisation *vis-à-vis* the state became questionable. Put differently, as state institutions turned to a beehive to hitherto widely acclaimed human rights activists, either in search of support, patronage or the extension of professional expertise, these human rights activists became, wittingly or unwittingly, involved in the business of the day with "one leg in politics and one leg in their organisations".

The partisan politics of the Executive Director of CLO, Abdul Oroh, who joined, contested and won a seat as a member of the House of Representatives under the platform of the People's Democratic Party (PDP), can be seen at two levels. First, CLO's name was used for political advantage and, second, its non-partisan and impartial tradition of analysing national issues changed in favour of the People's Democratic Party (PDP) and sometimes the ruling party in Lagos state, i.e. the Alliance for Democracy (AD). Ubani has also noted these dilemmas in the following words:

> Today we do not know whether we stand opposed to the government of the day or are working with and for it. The regime's policies impoverish the people and foster state institutions that undermine their human rights, but our leaders hobnob with the Establishment. As you [referring to the President of the CLO] are aware, for close to two years now, the ED [Executive Director] has been working with President Obasanjo and some other retired Generals to actualise his now declared political ambition. *He has joined the ruling PDP and been using CLO's structures to campaign in collaboration with the former* [emphasis added] (quoted in Memorandum, 2001:2).

The above exposes the problems of CLO. For the most part of the first two years of civilian rule, its activism declined drastically, sliding to a mere zero level. It further reveals the paradox that the first HR NGO in Nigeria was the first to be affected by partisan politics. This has, to a greater extent, affected the autonomy of the organisation in relation to the state and its capacity to condemn the government objectively on issues that were not in line with the norms of democracy. Such was the case in the early years of civilian rule when the organisation appeared to be partisan in its relationship with political actors at national and state levels as demonstrated in the case of the alleged certificate forgeries labelled against the first Speaker of the House of Representatives, Alhaji Salisu Buhari, and later the Governor of Lagos State, Chief Bola Ahmed Tinubu. Earlier, CLO was quick to condemn the Speaker, but when a similar case involving the Governor of Lagos State came up, the organisation was quick to launch a campaign on the Internet, pleading that "Tinubu should be spared condemnation on the matter because he was 'our own'" (Ubani, 2001:2).

For one reason, it can be said that the constructive engagement strategy, whose hallmark is collaboration with the government and its agencies, has brought human rights organisations to the centre stage of the policy making process, which to a greater extent helped in putting some cases before the government easily. Such was the case in CLO's successful persuasion of the Federal Government to pay the sum of ₦8 million as compensation to Dr. Baba Omojola for the hardship he went through following his imprisonment by the

military government of General Babangida. For another reason, the strategy had rendered the profile of CLO in the eyes of the civil society very weak, particularly when issues that required swift and total condemnation were paid scant or no attention in the face of popular national opinion. It was as a result of CLO's inconsistent responses to national issues that in a press statement released on December 8, 2001, NJ reacted over CLO's accusation labelled against Major General Muhammadu Buhari (Retired) for "inciting the military and other undemocratic movements" against the democratic government in a lecture he delivered in Kano, entitled the "The Military Class, Political Class and Good Governance". In a press release captioned: "Response to CLO's position on General Buhari", NJ expressed dismay over the reaction of some human rights organisations, CLO in particular, for denying one the freedom to express an opinion, a move which NJ saw as the most serious threat to democracy than the statement credited to the retired General. NJ stated thus:

> Where was the CLO when persistent employment of intimidation and harassment is being employed at different levels of government to deny individuals and organisations to pursue their domestic rights and objectives? (Press Statement, December 2001:1).

In short, CLO, particularly in the first two years of civilian rule, hardly reflected the truism that the role of opposition was to keep the government in check. However, in what may be described as "better late than never", CLO's position on the state of human rights under civilian rule began to change from what it earlier called 'largely positive' human rights track record (CLO, 2001: 9) to an "unpopular, sadistic and authoritarian [civilian] government" (Ubani, quoted in *Weekly Trust*, 2004: 16-22). This change was necessitated by the realities of the time; the series of unfolding political and human rights abuses at the tail end of the 2002 and in the aftermath of April 2003. These periods were marked by spates of ethno-religious conflicts in different parts of the country, communal and political clashes, the killings of innocent civilians in the Niger Delta region and the high tide of corrupt practices,

which snowballed from the executive into other tiers of government.

Indeed, lack of achieving democratic dividends which civil society aspired for at the end of military rule, has made Nigerians ask a lot of questions about the democratic credentials of public office holders. Similarly, opinions expressed in Nigeria and abroad could only identify improvement in the freedom of expression as the most important development witnessed in the post-military period. This was also the verdict of the opinion poll conducted by *The Guardian* in 2003 in which, out of 2,800 respondents covered in the poll across the six "formal" geo-political zones of the country, 32.1% (900) believed that the freedom of expression enjoyed by Nigerians under the civilian regime (1999-2003) was "considerable", while 13.8% (387) said "to a great extent" civilian rule had promoted freedom of expression. Conversely, 12.3% (343) said the civilian rule had done "nothing" to promote the rights of individual to express their views (*The Guardian*, June 4, 2003:12).

Internationally, however, in a survey conducted by Afro Barometer in August 2001, it was found that popular support for democracy in Nigeria had been seriously undermined as a result of violent conflicts (Afro Barometer, 2002: 1). In particular, the survey shows that "the more that Nigerians perceive conflict, the less likely they are satisfied with the way democracy works" (Afro Barometer, 2002: 5). Furthermore, Nigeria's human rights track record in the experimentation of civilian rule since 1999 leaves much to be desired. On democracy, press freedom and corruption, Nigeria was placed in division three (3), comprising thirty-three (33) countries. On civil liberties and political rights, the country was placed on a seven (7)-scale category (1, represents the most free and 7, the least, i.e. less free). Overall, the different indices of democracy revealed that after four years of the return to civil rule, the country was still not rated "free", but "partly free" (Freedom House Survey, 2003). This suggests to most Nigerians that civilian rule would never be an "Eldorado" as they (Human Rights Organisations) hoped at the end of military rule. This position also supports Aidoo's (1993:705) argument that "democratic conditions only succeed in minimising

the tendency towards dramatic violations of human rights; they do not eliminate the occurrence or recurrence of such violations".

Thus, by the end of the first four-year term of civilian administrations in Nigeria, even religious organisations and clerics, both Christian and Islamic, blamed the government for its lukewarm attitude over the plight of Nigerians in the face of political and economic despair. Stakeholders, such as human rights organisations, were, in some cases, apportioned blame for this. Organisations like CLO were berated for being at the forefront of fighting the injustice of the June 12, 1993 elections but overlooked the injustice of April 19, 2003 elections, which were marred by electoral fraud.

All these concerns contributed, apart from revealing the inadequacies of the civilian government, in exposing the weak position of CLO in the post-military period as mere shadow of its former self. Needless to say that CLO has found this accusation as challenging to its one time popularly acclaimed vanguard role in the promotion and protection of human rights in the country. To save face, it started to act, though belatedly, in the first quarter of 2003. First, in its January – March 2003 quarterly Magazine, *Liberty*, it entitled its edition "Nigeria: 1999-2003: What Manner of Democracy?" In it, the first four years of the civilian administration were examined critically, focusing on poverty alleviation, social welfare and transparency as well as human rights issues. On the latter, CLO clearly points out that:

> One peculiar attribute of Obasanjo's style of governance in the period was his dictatorial tendencies. His was a case of governance by rule of thumb, characterized in large measure by a non-consultative approach to decision making, an anti-opposition stance on issues, the relegation of the party [PDP] and its leadership (*Liberty,* 2003: 11).

Second, the Democracy Action Project of CLO, which the National Endowment for Democracy (NED) supported, required that CLO publish an annual report on the survey of the Democracy Perception Index (DPI). Due to CLO's neglect, the project was not given the

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attention it deserved; as a result, it had been in limbo for two and half years since 1999. It was not until September 2003, after the April 2003 elections, that the organisation published its first series of the report, entitled: "A Mediocre Democracy". For the first time, CLO reported the opinion of Nigerians as characterising the first four years of civil government as "Business-as-Usual" (Report of DPI, CLO: 2003). The point here is not whether or not CLO published a survey of national opinion, which discredited civilian rule. On the contrary, it is about the impact the series of the DPI surveys might have had on the attitude and actions of the ruling class if it had been published annually, at least since 2001 or thereafter. The survey came at the time when elections into the second term of the president, state governors and local government chairmen were concluded and when many issues raised in the report were either overtaken by events or no longer relevant to governments at different levels.

Until its publication of the Democracy Perception Index in 2003, CLO was like a toothless bulldog. Apart from Baba Omojola's case, which it successfully handled through court action, the other time the organisation took a strong legal action against the government was in conjunction with the Office of Public Defender (OPD) and fourteen other groups that formed the Lagos Bomb Blasts Legal Assistance Network (LBBLAN). The latter took the Federal Government to court in response to a statement credited to the Secretary to the Federal Government, Chief Ufong Ekette, that the Federal Government was not considering the payment of compensation to victims of the bomb blast tragedy. One area of intervention, which should have received the attention of Human Rights Non-Governmental Organisations (HR NGOs) between 1999 and 2003, was the deregulation policy of the civilian administration and the retrenchment of workers in the public sector. Furthermore, following the short period of transition to civilian rule under General Abdulsalami Abubakar, which ushered in the Fourth Republic in May 1999, the operational environment of HR NGOs changed, so was the momentum of their activities. The conscious decision of the human rights community to give democracy a chance to grow in Nigeria meant reduced human rights activism. At

the end of military rule, not only was the attention of the international community, human rights activists and other stakeholders shifted to politics and the workings of the institutions of democracy, media interest, too, was, all of a sudden, re-focused towards covering aspects of good governance and the conduct of the "new" political class. On the part of donor agencies, NGOs that had broad mandates and those that emphasised the mobilisation of the people against the state were either out of their plan of collaboration or considered as a danger to the state and its corporate agencies and institutions. Hence, the state was now seen as the "new" bride of the donors because the shift in the international paradigm of development assistance favoured it and, therefore, democracy presupposed that partnership with the state institutions of horizontal accountability had become the prime target of networks, collaboration and support.

Areas of support by the donors included, among others: the legislature, the judiciary and other related institutions working on transparency, due process, public-private partnership undertakings, etc. Other areas supported handsomely by the donors in the post-military days were voter education, conflict prevention, HIV/AIDS and reproductive health NGOs. This shift in support meant a reduced funding of CLO's activities consequent to which the organisation was indirectly forced to undertake a mandate that was not necessarily in line with its objectives.

Traditionally, the organisation received funds from the Ford Foundation, the US-based National Endowment for Democracy (NED), the Carnegie Corporation, the Westminster Foundation, the Danish Centre for Human Rights (DCHR) and several other institutions based in Western societies. These institutions had reduced their financial support to the organisation, as their programmes in Nigeria had been either modified or completely changed to suit their needs. The main funding agency of CLO's activities was NED, which in 1996 alone accounted for most of the organisation's budget then put at ₦30 million (approximately, US $375,000) (Kew, 2004).

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Table 1: National Endowment for Democracy (NED) Grants to CLO

	AMOUNT ($) GRANTED						
Human Rights NGOs	**1997**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**
Civil Liberties Organisa- tions (CLO)	$66,000	$76,000	$40,000	$60,000	-	$65,000	$66,500

Source: Adapted from NED's Annual Reports; 1997 (p12-14); 2000, 2001, 2002, 2004 & 2005 (http://www.ned.org/publications/00annual/grants-africa.htm).

The above Table shows that the grant from NED to CLO had not been very stable since 1997. It fluctuated over the years, partly due to the financial requirements and nature of the programmes supported by NED. Similarly, the involvement of donors into a direct partnership with government agencies relegated local HR NGOs to the background. Many of such agencies capitalised on the new political environment to establish their offices in Abuja. In CLO's meeting held on September 14, 2002, Abdul Oroh (2002:2-4) made this point clear:

> International NGOs came in droves to set up shops while a fresh wave of GONGOs joined the fray. *Most of the donor money went to them and other governmental institutions. The civil society got sub-grants to do seminars, conferences and other talk shops with little or no value or relevance to democratisation process*. With the reduction of direct support to older local NGOs and the lapping up of a substantial part by coalitions led by international NGOs, the direct disempowerment of the local NGOs with attendant consequences began [emphasis added].

The result of the unstable flow of donor support to CLO is that the organisation was left with activities that were inconsequential to democratic consolidation, as funds available to them were increasingly reduced. For example, in 2000 the CLO was unable to

hold its Annual National Congress (ANC) meeting mainly due to lack of funds.

Although CLO's non-militant struggle for democratisation and the promotion and protection of human rights was informed by the change from military to civilian rule and had portrayed the organisation as weak in the eyes of sympathisers, the situation had solidified coalitions with other human rights NGOs on matters of common interest. The importance of coalition building is that it brings HR NGOs with similar mandate into a close interaction, as they engage in debates on matters of common concern and or involve in areas of practical intervention. Being members of the Transition Monitoring Group (TMG), a coalition of over 170 human rights, civil society and NGOs formed in August 1988, CLO often cited its active participation in this coalition as one of its achievements in the period of democratic transition. It should be noted that an organisation that is financially weak and ill-prepared to monitor election on its own found in the TMG a veritable platform on which to contribute to democratisation. CLO was emphatic about its contribution to democratisation under the aegis of the TMG; "if not for our membership of groups such as the Transition Monitoring Group, I doubt whether the CLO could rightly have claimed to be doing any democracy work whatsoever" (Obe, in Memorandum, 2001:1).

The most important characteristic of the HR NGO coalition in the period of civilian rule is that, in line with the constructive engagement strategy, coalitions are not permanent, even if some of them lasted for a relatively long time. Unlike in the period of military rule when the areas of intervention of the CLO were boundless and hence expanded its activities from the human rights and democracy agenda to other facets of national life, including transparency, accountability and freedom from military rule, the organisation's post-military rule coalitions focussed mainly on addressing concerns on case-by-case basis. The situation under civilian rule was such that coalitions were forged in order to address an issue and since old and emergent issues existed along with new ones peculiar to the political environment, it became

necessary to establish a single coalition to address a major concern. This explains why a coalition of 22 civil society groups with the support from the United States Agency for International Development's Office of Transition Initiatives (USAID/OTI) formed the Network on Police Reform in Nigeria (NOPRIN). Its members include the CLEEN, Constitutional Right Project (CRP), CLO and HRM.

The central concern of this coalition, as its name suggested, was identifying areas of reform in the Nigerian Police and providing input into the police reform process through constructive engagement with the Police Affairs Ministry and other relevant agencies. Other coalitions to which the CLO belonged included a broad coalition of human rights and pro-democracy groups, the Civil Society Pro-democracy Network (CSPN) formed at the instance of the NLC, the Social Alert Network-Nigeria (SANN) and the National NGO on Penal Reform. The latter has been in existence since 1997 and its activities received a great boost since the return to civilian rule in 1999.

From the foregoing, it can be said that in the years following the entrenchment of civilian rule in Nigeria, CLO faced a lot of challenges and strains. However, it still remains a force to be reckoned with in the struggle for the promotion and protection of human rights. Its central weakness arose in the first three years of civilian government as a result of its quick acceptance that the country had fundamentally changed because of the "empowerment" of the institutions of "democracy" in the country. The organisation's leadership compounded this when it showed some signals of sympathy with the ruling party following its Executive Director's engagement in partisan politics.

Conclusion
The action or inaction of CLO in the period of democratic transition since 1999 is full of paradoxes. While it preferred a 'polite' approach to confrontation in its interaction with the state on human rights issues, it also negates action against their principles as the

monitors and promoters of democracy. Its activities have been significant in the area of transition monitoring alongside other human rights NGOs in the TMG, yet it failed to act against the executive lawlessness of state actors. For the organisation to be able to revitalise the culture of opposition, it must place human rights on the national agenda, continue to create international and domestic awareness on the state of human rights as well as establish networks of alliance with grassroots mass organisations. As long as it remains elitist and detached from the people at the grassroots, so long will it remain at a distance from the powerless and victims of the human rights violations.

To resuscitate and re-invigorate the culture of human rights activism and forge alliances with different sections of civil society in the country, the organisation must combine two engagements, critical and constructive, depending on the level of human rights abuses, in its strategy of monitoring and advocacy on human rights. To stand on its own, determine its programmes and identify with the plight of Nigerians whose rights are violated through various policies and actions, a dependable and strong domestic financial assistance at this time of the dwindling external flow of institutional support to civil society sector will make a difference. This can be achieved when the organisation looks inward and raises the confidence of stakeholders locally.

Finally, the organisation should be mindful of the fact that opposition, agreement and disagreement are the most essential attributes of democracy. It can work in partnership with the state but this does not mean that personal, political or idiosyncratic considerations would make it powerless in the face of apparent violations of human rights in the country. Politically, the near comatose disposition of the hitherto vibrant democratic forces led by HR NGOs is giving birth to a culture of silence. This is one of the dilemmas of human rights NGOs, in general, and CLO, in particular, in the post-military period in Nigeria.

CHAPTER SIX

Civil Society Organisations in Post-Military Rule: The Nigerian Bar Association (NBA) in Focus[1]

Introduction

In Nigeria, the justice sector has, over the years, passed through various forms of reduction in its space of the conduct of professional career. This is as a result of contraction in the scope of democratic participation in the country, as well as in the corresponding lack of the rule of law under various military regimes. As a result of intense struggle the Nigerian Bar Association (NBA) waged against military rule and its arbitrariness, the association, alongside other pro-democracy and human rights groups in the country, re-launched itself and served as the mouthpiece of the oppressed under authoritarian regimes. The need for re-invigorating the NBA, which suffered a crisis of relevance at the tail end of General Babangida's regime and its later years of existence under military rule, became necessary. This is because while, on the one hand, the change of government from military to civilian in 1999 created new hope and expectations in the country, on the other hand, the track record of governance since 1999 has been characterised by numerous imperfections and the brazen disregard of constitutionalism. Therefore, the role of lawyers in setting the agenda for a renewed political culture, the exercise of the rule of law and the realisation of good governance and the dividends of democracy cannot be shunned.

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This chapter examines the concept of civil society, its various strands of argument and theoretical underpinning. In addition, the chapter discusses the important elements of the NBA's participation in the process of democratisation in Nigeria and the extent to which the association represents what it stands for as an umbrella organisation of legal experts and professionals. The chapter is divided into six sections. In the First Section, the chapter operationalises the concept of civil society and its different stands. The Second Section examines, albeit in brief, a review of the related literature on civil society. The Third Section explores, within the context of the features of civil society, the dynamics of the NBA, as well as its strength and relevance in the sustenance of democracy in Nigeria. The Fifth Section examines the challenges and prospects of the association, while the Six Section concludes the chapter.

Civil Society and Civil Society Organisations- A Definition

The term "civil society" or in its Latin translation, *societies civilis* or *societe civile* in European references is not a new concept (Liebenberg, 1997; Khilnani, 2001). In its original form, the concept makes no distinction between 'state' and 'society,' as it is subjected to in modern reference. It simply stands for 'community' or 'society'. As Khilnani (2001:17) notes, it can be "defined as collection of human beings united within a legitimate political order". In other words, the concept of civil society was used to refer to social existence beyond the realm of the state and was inextricably attached to personal freedom from the excesses of the state and the need for its secularisation, with emphasis on a distinction between the Church and the state (Seligman, 1992:5).

The origin of the concept of civil society is not clear. However, despite its different accounts of origin, there is a common position that the concept has been used by various philosophers from various disciplines. In particular, Cahoone (2002) traces its origin to the works of Aristotle, who first made a distinction between *Polis* (political community) and the association of citizens distinct from other institutions and government. Its rediscovery, as suggested in the works of different thinkers: Hegel, Marx, Smith, Tocqueville and Gramsci, has added different resonances and debates in political

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theory. In its contemporary usage, the origin of the term 'civil society' can be traced to the Scottish enlightenment period and was used primarily to synthesise the four main spheres of human interaction (Seligman, 1992). These are: *private* and *public*, *individual* and *social*.

Thus, largely due to the emergence and the central role of CSOs in the struggle for freedom against arbitrary rule, Ekeh (1992) sees no dividing line between the notion of individual rights conceived by Locke, Hobbes and Rousseau and the resurfacing of the modern usage of civil society. He observes that at the heart of the meaning of civil society is the libertarian principle. Hence, it "belongs to congeries of constructs that have been invented by historians and philosophers for the purposes of cultivating individuals' liberty" (Ekeh, 1992:1). From this strand of thought, Ekeh (1992) clearly marks out two logically related appendages of the term, freedom and democracy. In them, he locates the relevance of the concept in the analysis of the social transformation of societies that are struggling for freedom, democracy, rule of law and good governance. Thus, Ekeh identifies four main attributes of civil society, which are worth cherishing for a viable democratic change.

First, the concept demarcates two spheres of human society: the the private and public, and in this sense distinguishes what is the private realm, including individual privacy/family, and what is the public realm, comprising the state and its officialdom.

Second, it calls for power sharing between the two domains. In other words, the fact that the monopoly of public space by the state leads to authoritarian tendencies, the limit of state power only comes from the competitive relationships in which civil society contends the state's monopoly of power.

Thirdly, where the civil society competes with the state for public space, public participation would profoundly be enhanced. Hence, civil society serves as a guarantor of individual welfare in the actual design and implementation of public policy (1992:4-5).

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It is important to note that some definitions view civil society as an associational life outside the sphere of political society (Bratton, 1989; Foley and Edwards, 1996; Cahoone, 2002). The idea behind this viewpoint is to stress the difference between what is 'civil' (private associational life outside the state domain) and what is 'public' (the domain of political interaction). For example, in Bratton's (1989) conception, civil society is the sphere of social interaction between the autonomous organisations of citizens and the state. In the same vein, the thrust of Cahoone's definition is essentially the associational life paradigm. In his words, "a civil society is first of all a form of social - political organisation rooted in particular form of association, the association of citizens according to civil rules" (2002:212). Central to the characteristics of modern civil society, Cahoone (2002) notes, are: the autonomy of the social *vis-à-vis* supra social agency; the expansion of the *civitas,* that is, free citizen; spontaneous order in form of pluralism and conflicting order, which arises from it; institutional pluralism, market economy and a particular relations to culture. In another perspective, Cohen and Arato (1992: x) stated that the term "civil society" can be defined as:

> [A] sphere of social interaction between economy and state, composed above the entire intimate sphere (especially the family), the sphere of associations (especially voluntary associations, social movements, and forms of public communication).

Although these definitions differ, one important element found in each is the fact that the concept of civil society establishes a relationship between two spheres in human society, i.e. the state and the society. Therefore, the concept consists of numerous organisations that cover various interests in the society. "These organisations include social groups, professional and business associations, religious, student organisations, trade unions, the press, democratic and civil rights associations, and women groups", among others (Ganger and Umar, 1998). In sum, these definitions suggest that civil society organisations are an assemblage of associations that are autonomous from the state and still responsive to it; they

checkmate and influence the state through different modes of collective actions, ranging from adversarial to persuasive means, in order to assert the interest of their members.

Academic interest on the role of civil society in Nigeria cannot be divorced completely from the trend of the debate on the concept in the general analysis of state-society relations after the Cold War. That is, when the renewed interest in the concept gathered momentum and passed across different societies in the quest for an answer to a one-party system and prolonged military dictatorship. The impact of these developments coupled with the excruciating poverty engendered by the neo-liberal Structural Adjustment Programme (SAP) not only sparked off academic debate on civil society in Nigeria, but facilitated the emergence of various CSOs.

Civil Society – Periscoping the Theoretical Literature

Generally, the various literature on civil society suggest that, while, on the one hand, scholars are in agreement that civil society is an important vehicle for political participation and democracy; on the other hand, they disagree on some vital issues. For example, while some scholars agree with the instrumental role of civil societies in advancing the course of democracy, however, they posit that it does not necessarily serve democracy better. They point to the fact that civil society is a contested terrain, embodying different interests and values (Haberson, 1994). Still other scholars are of the view that in its historical and contemporary forms, the "term civil" society has ideological content and agenda. Allen (1997) and Hearn (2001) are two of such scholars, among many others. Both of them have traced the historical development of the idea and its current popularization in developing societies and then concluded that civil society leaves much to be desired in the area of democracy and development. Some scholars even went further to argue that the account of its 'magic' in other societies, as evident in the literature of Western scholars, is not only an exaggeration but also far from the social realities of the so-called "third wave" democracies. In spite of the various meanings the concept of civil society is subjected to, it remains one of the few social science concepts, which attract scholarly theoretical and conceptual debates so much so that it has

become 'over-theorized' (Stewart, 1997:15), but still remains "a fashionable concept whose invocation is nearly obligatory in any document or discussion about democratisation".

According to Tester (1992), civil society can be described as a social bond between members of a society conditioned by cultural norms. And these norms distinguish it from 'other' societies and are located in a "condition of education, refinement and sophistication as opposed to condition of barbarism". In other words, "a distinction between a state of civilization and state of nature" is what differentiates civil society from 'uncivil society' (Tester, 1992:9). Unlike Tester, who considers an associational life as beneficial all the time, Haberson (1994) sees civil society as a contested terrain. By this notion he means that universal and common values accorded to the concept by many scholars as, for example, evident in Tester's conception, are theoretically biased and uncritical of the dynamics of state-society relations. In other words, while noting that the concept carries both a normative and an empirical dimension, he disagrees with the instrumental view of civil society held by many political theorists.

In trying to show the importance of a strong civil society in the institutionalisation of democracy, Diamond (1997) adopts Huntington's notion of the imperative of 'autonomy', 'adaptability', 'coherence' and 'complexity' in political society. He asserts that the extent to which a civil society serves democracy is related to the extent to which it satisfies these conditions. Hence, a strong correlation among these factors establishes the needed 'vertical depth' for the viability and result-oriented civil society capable of confronting political and economic problems. Indeed, Diamond locates the success of different associations, movements and organisations in the broad-based nature of the way they are organised on the basis of these four principles.

Like Haberson (1994), Cohen and Arato (1992) remind us about the scope of civil society in comparison with other spheres of society. They stress the principle of autonomy as one of its primary

characteristics. In its modern connotation, they continued, "civil society is created through forms of self-constitution and self-mobilisation. It is institutionalised and generalised through laws, and especially subjective rights, that stabilize social differentiation" (1992: ix). Diamond (1997) shares this view because to him civil society can be distinguished from a "mere society" in that it is not "some mere residual category, synonymous with "society" or with everything that is not state or formal political system" (Diamond, 1997: 8). Essentially, civil society is concerned with public rather than private ends and relates with the state but does not seek to get a position within the state; it is partial and distinct from 'civic community' (Diamond, 1997).

Generally, contributors to the discourse on civil society in Nigeria differ in their focus, framework and theme of analysis on the role of civil society in the democratisation process. Some scholars analyze the origin and dynamics of civil society organisations in the context of SAP and transition to civil rule under military rule; others are specific in their analysis. They examine the extent to which a political culture of different civil society groups influenced their actions and reactions to military authoritarian state and its political and economic policies (Kew, 1992). Still others examine the nature of state-civil society relations in the post-military period, focusing on a specific issue of concern to either the state or civil society and suggest ways that could help consolidate democracy.

NBA as a Professional Organisation of Civil Society in the Struggle for Democracy and Good Governance

Literally, a professional is someone who meets some requirements of becoming a qualified individual in a profession, be it academic, legal, medical, engineering, etc. A profession is an embodiment of the ethics and discipline acquired through long, short or medium term training. Therefore, a qualification is required at the end of this training to distinguish a person professing knowledge in his professional career from other speciality. Hence, professionals are people who profess knowledge in their respective specialised professional career or occupation. When a group of professionals come together under one organisational umbrella to defend or

promote their professional interests, such organisation, union or group is called a professional organisation or a professional interest group. It is an organisation, usually non-profit, that exists to promote the interests of their members and the public. Thus, a professional association is "an organisation or union that brings, or seeks to bring, together members of the same profession primarily so as to advance commonly defined and agreed upon collective interests and aspirations" (Jega, 1993:98).

A professional association is a product of the society in which it thrives; it is thus affected by the socio-political and economic environments of the society in which it exists. Therefore, as a civil society organisation, a professional association is — by virtue of the training its members acquired and its observance of the ethical standards laid down in its profession—expected to exhibit discipline and knowledge of its environment more than unorganised and fragmented social groups. The Nigerian Bar Association (NBA), the Academic Staff Union of Universities (ASUU), the Nigerian Union of Journalists (NUJ) and the Nigerian Medical Association (NMA) are among others, typical examples of professional associations in Nigeria and by far the most robust professional CSOs that played a prominent role in the process of democratisation under military rule. Whether operating under a military authoritarian regime or a civilian government, a professional association plays a vital role in promoting the cause of democracy and good governance. For democratic governance is a function of many factors; one of them is the ability of organised civil society to serve as a vanguard in the quest for democracy and democratisation.

Although established to promote the interests of its individual members through collective, consistent and constructive action, a professional organisation is relevant to democratisation when it carries the sympathy of the society and advances or promotes the aspirations of the majority of the nation. In other words, the relevance of a professional association, as Jega (1993) succinctly notes, is predicated on three interrelated objectives. First, as an interest group, a professional association is expected to secure and improve socio-economic conditions for its members as well as for

the majority of the vulnerable social groups of the society in which it operates. Second, and most importantly, a professional organisation becomes an advocacy group, as it enhances the citizen's civil and democratic rights and, thirdly, as a pressure group, it actively participates in the democratisation process and, as expected, creates a stable foundation for the flourishing of the rule of law and the nation's democratic processes.

To appreciate the role of the NBA in supporting the aforementioned ideals of a professional organisation, a cursory examination of the political environment, which it operated in the past and in recent time, is essential. This is because it is the internal dynamics of society, which shapes the complex terrain in which the state and the civil society interact and determine the success of any CSOs. This, in turn, is "dependent on the nature of interests represented by civil society organisations and the political power relations shaping the environment in which they develop and operate" (Okuku, 2002:34).

NBA Under Military Rule

In Nigeria as in other African states, the resurgence of democratic struggle has given rise to a scholarly concern and a plethora of academic discourses about the role of civil society in both the contexts of democratisation and democratic consolidation. This resurgence was occasioned by the expansion of democratic space following the disintegration of the Union of Soviet Socialist Republic (USSR) in Eastern Europe and the termination of the one-party system in some states in Africa, Asia and Latin America in the late 1980s and the early 1990s. In particular, the incessant agitation for freedom from military authoritarian regimes and the unflinching resistance to unpopular neo-liberal economic reform programmes by different democratic reform movements made 'Third wave' democratisation inevitable in many African countries. Thus, it is correct to say that these movements emerged as a result of the dogged struggles for better political and economic re-structuring in post-colonial states, which were controlled by despotic and intransigent regimes (Houngnikpo, 2001).

In Nigeria, various civil society organisations emerged in the period of military rule, particularly from 1983-1999, thereby enlarging the number of the long established CSOs, including the NBA, which existed since 1950. The period in question (1983-1999) was marked by frustration and the disillusionment of the civil society and their organisations engendered by a long process of transition to civil rule programmes; limited scope of democratic space in all its ramification; denial of civil and political rights; and unending economic deprivations as a consequence of the IMF/the World Bank-inspired Structural Adjustment Programme (SAP) (Okome, 1999). As Ojo (2006:15) points out "Not only were Nigerians denied their basic political rights, their economic and social rights were also seriously truncated by the gross mismanagement and looting of state resources by the military".

It was against the backdrop of the disregard for the rule of law and consistent violation of human rights that the NBA, which was hitherto considered as a defensive pressure group and a conservative and parochial organisation, began to react and engage the state. Thus, from a position of defending the professional interests of its members, the NBA gradually shifted focus and became an active participant in the struggle for democracy. Its assertive actions were prominently aspired to by other popular organisations. The association's dogged struggle against obnoxious military rule and its participation on discourses that affected the nation steadily took it to the state of a promotional pressure group, a position which it successfully upheld until the tail end of General Ibrahim Badamasi Babangida's regime. The NBA observed correctly that under military rule, the priority objectives of the organisation which include the maintenance of the highest standards of professional conduct, ethics and discipline; the promotion and protection of the principles of the rule of law and enforcement of fundamental rights as well as independence of the bar and the judiciary (NBA Constitution, 2001) could not come on a platter of gold when the political climate in the country was not amenable to the functional administration of justice and the flourishing of the rule of law.

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It was against the backdrop of depleting opportunities for the independent conduct of members' professional career and the difficult circumstances the military government put Nigerians into that the NBA became the mouthpiece of the Nigerian society. It consistently and appreciatively pursued the call for justice for the victims of repressive military rule and the repeal of obnoxious decrees, which gagged the media and subordinated the cause of labour activism and collective bargaining in the country. For example, the association, under the leadership of Mr. Alao-Aka Bashorun, became a thorn in the flesh of the military governments of General Buhari and later General Babangida over the introduction and retention of Decree Nos. 2 and 4 of 1984 which prescribed detention without trial and the imprisonment of journalists for publishing true stories that embarrassed the military government (Falana, 2005).

Two major reasons accounted for the success of the NBA in its struggle for democratisation under military rule: the first was the leadership of the association, which was essentially based on consensus and agreement, transparency and accountability as well as discipline and democratic activism. These qualities assisted the association in the actual organisation of opposition and in prodding the state on various issues of national concern. Even when the government resorted to breaking the solidity of the members of the association on the question of the election of its leaders in 1987, the action did not succeed because of the loyalty of members to their leader, Aka-Bashorun. In fact, what was later known as the division of the association along ideological lines was the brainchild of government's machination in connivance with the conservative elements of the NBA at the time of electing new leaders of the association in 1989. Second, as a civil society organisation with a population of more than 60,000 members, the NBA easily understood that championing the cause of democracy in the face of authoritarian advances required horizontal and vertical networks with other civil society organisations that shared its ideals. Through the process of interactive civil society, the NBA was able to enter into alliance with other CSOs, such as the Campaign for Democracy

(CD), the Democratic Alternative (DA) and the National Consultative Forum (NCF), etc.

NBA in the Post -Military Period

Democratic participation is enhanced when the enabling condition for building democratic ethos through the institution of civil society is created. Therefore, support for the creation of democratic culture in civil society sphere is the most important building block for the sustenance of democracy. The argument is that the existence of civil society is not the same with the building up of what Sullivan (1994) called "democratic citizenship". It is only when the enabling democratic culture is established that democracy is expected to flourish and endure in any country (Olanipekun, 2007). Surprisingly, after a prolonged period of military rule, the long awaited and cherished democratic space needed for public participation in the democratic process has been constrained as a result of the inability of the political class to imbibe the culture of democratic participation based on competitive politics (Ojo, 2006). The major policy flank of Obasanjo's regime, which came into power in 1999, revolved around deregulation of the Nigerian economy through the privatisation policy. On the political process, the government was mainly concerned with maintaining itself in power through various means of political lawlessness and oversight of the Constitution and constitutionalism as well as the process of the rule of law. These problems were compounded by the usurpation of power and the rampant breaches of court orders.

It seems to many political observers that the civilian political class does not learn much of a lesson from past political experiments, which, by and large, had been characterised by lack of political ethos and the collapse of ethical standard in the conduct of public affairs in the country. Indeed, the first four years of the civilian government (1999- 2003) were akin to "militoracy" by a small cabal political class, who established "political dynasties" in the country. The period would have been the best of all opportunities for the NBA to react publicly and constitutionally challenge the fast drifting of the political system to democratic reversals. On the contrary, government policies were rarely subjected to critical analysis by the

association and senior lawyers were readily disposed for window opportunities from the state and some of them even competed for privatisation consultancies with foreign firms.

Although the NBA criticised elections in 2003 and called for lawyers to boycott courts over the electoral rigging, which characterised them, the association seemed to have been far away from deserving a leading role for civil society organisations at the time it was expected to react to political issues in the country. In 2005, the association's president, Chief Bayo Ojo, whose leadership (2004/2005) was considered pro-government, was appointed as the Attorney General of the Federation. Since then, the association has remained at bay with promotional pressure group activities it was expected to carry out at the time when several court orders were violated by many state executives. It was not until 2006 when Olisa Agbakoba was elected the President of the NBA that the association re-invigorated its commitment to participation on matters of good governance and credible political participation in the country. The change of leadership is another round of the association's reversal to promotional pressure group activities it was known for during the period of military rule.

The association participated, in partnership with the National Human Rights Commission and CSOs, in the monitoring of security personnel in the conduct of gubernatorial and state House of Assembly elections held in April, 2007. Following the end of the 2007 general elections, lawyers responded successfully to NBA's call for the boycott of courts over the conduct of the elections throughout the country. The recent activities of the NBA suggest that for a civil society organisation to carry out a meaningful role in the process of democratic consolidation it must re-awaken itself to situational changes in line with the priority needs of the society. This requires, as Zuern (2000:105) points out, "a dramatic shift in the actions of civil society groups", their methods and common understandings of their role in society". Although the leadership of the NBA is beset with numerous problems, which slow the process of rejuvenating it to the level of sustained pressure group activities,

it demonstrates the capacity to achieve meaningful progress in its democracy and good governance project.

Challenges
At present, one of the challenges of the NBA as a CSO and promotional pressure groups is the need to refocus its activities on practical issues that affect the society, as identified in the programmes of the association. These include, among others, governance and democracy, anti-corruption and the Constitution, economic reform and constitutional review. If the mission of the association, which states that "using law as an institution of social change" (NBA Website, June 2007)) is to be realised in the current democratic process, concerted efforts should be made to put action before rhetoric in facing the reality of the practice of democracy in the country. In addition, the internal organisation of the association has to be strengthened to reflect the core values of the association—integrity, excellence, courage and professionalism. The emergence of powerful regional groups in the NBA is against the spirit of the organisational capacity required of any CSO. Regional groups, such as South-West Lawyers Forum, Eastern Lawyers Forum, Northern Lawyers Forum are dangerous trends in the NBA that could mar the fraternity of its members. The success of a CSO is, to a larger extent, a function of the mindset of its individual members to uphold the social trust, which binds what Sullivan (1999) calls "pluralism of groups". When this noble goal is realised, such groups are said to attain the highest level of trust, which Sullivan describes as a manifestation of richness in *social capital* (Sullivan, 1999).

Furthermore, the association needs to widen its partnership with other CSOs on matters of common concern and building democratic ethos. The NBA has the requisite material and organisational strength to collaborate with institutions of horizontal accountability in order to support the cause of democracy in the country. However, what is needed is for the association to always identify its programmes with the plight of vulnerable social groups in the country. This can be realised when the elitist disposition of members or their interest-driven approach to issues is jettisoned, thereby

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enabling the NBA to identify its cause with the problems of the common man.

Conclusion

The NBA as an association of lawyers is a vibrant arm of civil society organisations in the country. Its relevance to democratisation is very crucial to the process of nurturing a virile democratic culture in a country that experiments a representative government after a prolonged period of military rule. Over the years, the role of the NBA in this process leaves much to be desired because of the crisis of leadership the association has passed through in its long history of existence. However, given the renewed agitation for political and constitutional reforms in the country, the association stands to contribute in various ways to the process of fashioning a workable legal framework to address the myriad of problems bedevilling the nascent democratic experiment. The aggregation and articulation of the interests of the of the association should not be made at the expense of the burning issues that affect the generality of Nigerians. The association can serve democracy better when it upholds the virtues of honesty, dedication, transparency and responsiveness to issues of good governance for democratic consolidation.

CHAPTER SEVEN

Civil Society and the Quest for Good Governance in Nigeria's Democratisation Process, 2007-2014[1]

Introduction

Academic perspectives on the role of civil society in the democratisation process of Third Wave democratic societies are varied and divergent. Scholars neither share a common typology on the effectiveness of civil society in bringing about democracy or making it deeply rooted in neither a society nor is a consensus reached about the instrumental role of civic associations in the process of governance. Similarly, the experience of civil society's engagement with the state in the democratisation process is not always the same in different countries to provide a consensus about the general trend in the development and dynamics of state-society relations. However, what is mostly agreed upon by scholars is that the ability to make a transition to democracy faster and deeply entrenched in a political system, particularly in societies where autocratic regimes held sway for sometimes, is dependent on the capacity of that society's civic organisations. This is to say that a robust civil society provides instrumental roles in the democratisation process and makes its tortuous process faster, as it makes its democratic institutions more accountable and responsive to the needs and aspirations of the society. As it provides an interface between the state and the society, civil society extends its watchdog functions beyond agenda setting to include whistle blowing and mobilisation and functions that would help to strengthen democratic institutions and checkmate their excesses and make them conform with the general expectations of the society.

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In most developing democracies where competitive elections do not always provide the institutionalisation of democracy, civil society is confronted with two case scenarios: First, emerging public officers may tend to become autocratic and increasingly unpopular either because their port of entry into the political system is devoid of a free and fair election or the gap between the state and society under their stewardship is overly wide to enable the latter to contribute to the process of decision making. Second, in its determination to focus on a series of orchestrated action to maintain power and relegate opposition to the background, the Nigerian state has become ruthless and uses anti-democratic responses that subvert the fundamental rights of citizens, particularly the opposition, and reduces the democratic space by resorting to divisive political reaction to issues of national concern. This is another danger of a weak state devoid of popular mandate. In either case, these two scenarios bring us to the concept of governance, which is the process of the effectiveness of the government to exercise its basic functions and make living better for the society.

Therefore, governance connotes the functioning of state institutions to drive quantitative and qualitative changes in the well-being of its citizenry through the provision of social services and the cultivation and internalization of open, transparent, responsive, responsible and accountable leadership. Governance can be good or bad. It is the preference of the former over the latter that brings Civil Society Organisations (CSOs) into a logjam with the state on the need for justice, equality, human rights, rule of law, and decency of life security and freedom.

In Nigeria, the struggle for what some scholars regard as the second liberation, particularly under military rule in the 1980s and 1990s, has brought about the emergence and proliferation of various civic associations with various mandates and agenda, most of whom united not for good governance per se but for the exit of the avaricious, dictatorial and fascistic military authoritarian rule (Mohammed, 2010). With the end of the prolonged period of military rule in 1999, which heralded the civilian regime after almost three decades of contracting Nigeria's public space and the

erosion of democratic values, expectations were high that governance would henceforth be good, democratic, participatory and all inclusive. However, after nineteen years of civilian administration a lot of critical concerns on governance in Nigeria, which hitherto were attributable to the prolonged and neo-patrimonial practices of military rule, have still persisted, making it hard to believe that the 'civilian democrats' steering the leadership of the country can make governance good to the expectations of the society based on the benchmarks of democratic consolidation (Obi, 2004).

Therefore, this chapter examines the civil society's quest for good governance in the process of democratisation. It specifically focuses on the effectiveness of the civil society and its organised segment in prodding the state on the question of governance between 2007 and 2014. The chapter focuses on Presidents Umar Musa Yar'adua and Goodluck Jonathan's administrations not because the problem of governance in Nigeria started with these administrations, but because their tenures have been associated with tidal waves of contestations and concerns over the question of the governance issue. This was essentially due to the phenomenon of intense security challenges and celebrated cases of corruption among high level public officers as well as the politicisation of state's reaction to constructive opposition, particularly in the face of insecurity in some parts of Northern Nigeria. In other words, the period covered in the chapter is, in our view, marked by the deterioration of public trust in governance largely due to electoral flaws and the crisis of legitimacy to a scale unknown in the history of democratic politics in the country.

The chapter is divided into six sections: Section One is the introduction while Section Two defines key concepts used in the chapter. In Section Three, the chapter examines the background to the emergence of Goodluck Jonathan as the President of Nigeria and the expectations of civil society on governance. In Section Four, the critical dilemmas of governance and the dynamics of state and society relations are examined. Section Five examines the

challenges of CSOs in ensuring effective governance process in the country. Finally, Section Six concludes the chapter.

Democracy, Governance, Civil Society and Democratisation - Operational Definitions

Democracy
Democracy is a representative government in which a society decides who should govern it for a specific period of mandate. In democracy lies people's power and their ability to participate, mostly through their elected representatives, in decision making. Thus, a democratic government is a form of government that enables the electorate to determine who should rule and also provides adequate institutional mechanisms through which peoples' demands for responsiveness and accountability can be articulated and in practice accommodated and actualised. Therefore, the goodness or otherwise of democracy depends wholly in both the demand (civil society's input to decision making) and the supply aspect (the ability of the state to provide much needed social services, also known as the 'dividends' of democracy) of the political system.

Governance
The concept of *governance* in a democracy is a two way process. It entails the input of the society and feedback of the government. Defined from this viewpoint, governance is the art of governing by public officers entrusted with public trust and power for maximum utilization in social service provision and the maintenance of public accountability, transparency, responsible and responsive leadership. Governance is said to be good when the rights of citizens are protected, security is adequately provided, basic freedoms are guaranteed and the welfare of people is maximally satisfied. The good governance that provides the basis for democratic consolidation is elsewhere defined loosely as "the continuation of democracy or how democracy stays in democracy" (Chen, 2004:1). The sustenance of democracy is, by and large, dependent on how governance is nurtured on the principle of democratic values among political actors and the civil society.

Civil Society

For the purposes of this chapter, *civil society* is defined as an interface between the public and private realms of a society. It comprises civic associations with various mandates and agenda that are directed at ensuring a political equilibrium in a society and possibly make the political system reciprocal and mutually beneficial and efficient. Civil society can be distinguished from a "mere society" in that it is not "some mere residual category, synonymous with "society" or with everything that is not state or formal political system" (Diamond, 1997:8). Essentially, civil society concerns itself with public rather than private ends, relates with the state but does not seek to get position within the state; it is partial and distinct from 'civic community' (Diamond, 1997: 8-13). A robust, vibrant and strong civil society serves as a watchdog to the state and sets an agenda for it and continuously monitors its performance. Civil society is a whistle blower and advocate for social justice; it mobilises the un-organised sections of a society against the excesses of the state. Thus, the role of civil society organisations in the democratisation process cannot be overemphasised is very crucial.

Democratisation

Democratisation is a process of ensuring that democracy is institutionalised and deeply rooted within the ideals of its basic tenets. It is a process and not an event. It is collective action that is highly influenced by collective responsibility not an individual task. It is tortuous because it involves the good, the bad and the ugly sides of the democratic institutions. It is a scale that measures the success or failure of institutions and actors in the process and is a period of learning the ropes of democracy. The faster the learning ability becomes the quicker the institutional foundation of democracy is laid. Thus, democratisation involves some pitfalls, setbacks and sometimes reversals in countries that work slowly and learn little or virtually nothing to warrant understanding democracy from its simple logic of representation on the basis of public trust. Nigeria represents a case of democracy without public trust and an archetype of a nascent democracy with the outward trappings of uncertainty due to a rising trend of insecurity, political violence, crisis of

leadership and legitimacy, growing poverty in the midst of plenty resources, corruption among public officers and, in general, a society characterised by the betrayal of the established social contract in democracy. These tendencies make governance and its democratic content hollow and create a space for civil society's contestations with the state.

The Context of State-Civil Society Relations after Obasanjo's Tenure: Was it a Wakeup Call for the Civil Society?

President Olusegun Obasanjo's second tenure as the president of Nigeria came to an end in 2007 against the background of his unpopular, clandestine intention to serve for a third term in office, which civil society groups and the National Assembly vehemently opposed and resisted with alacrity. Obasanjo's frustration over his unsuccessful tenure elongation agenda had informed his next option of anointing a candidate for the ruling party, the People's Democratic Party, PDP. It was Obasanjo's singular political consolation to push for the candidature of the then Governor of Kastina State, Umaru Musa Yar'adua, as the party's flag bearer in the 2007 election in order to prevent his Vice President, Alhaji Atiku Abubakar, from vying for the same office in the party. Thus, it was against the backdrop of the political tussles and intra-party squabbles within the PDP that some of its members, including the Vice President and his supporters, decamped to the Action Congress of Nigeria (ACN).

Atiku's exit from the PDP gave Obasanjo and his cronies a further leeway to control the party and ultimately the leverage to feature Yar'adua as the party's presidential candidate. While, on the one hand, Yar'adua emerged as the PDP presidential candidate for the 2007 election, on the other hand, the Vice President Atiku Abubakar was the presidential flag bearer of the ACN in that election. Thus, the candidates of the ruling party the PDP, and the opposition parties, the ACN and the All Nigeria Peoples Party's (ANPP), Muhammadu Buhari heavily contested the 2007 election.

In what has been regarded as one of the most flawed elections in the Nigeria's electoral process (International Crisis Group, 2007; Awopeju, 2011), Yar'adua emerged the winner of the presidential election to succeed Obasanjo with Goodluck Jonathan as the Vice President amidst local and international denunciation of the process, conduct and outcome of the election (International Crisis Group, 2007). According to the European Union Election Observation Mission (2007:1):

> The 2007 State and Federal elections fell far short of basic international and regional standards for democratic elections. They were marred by very poor organisation, lack of essential transparency, widespread procedural irregularities, substantial evidence of fraud, widespread voter disenfranchisement at different stages of the process, lack of equal conditions for political parties and candidates and numerous incidents of violence.

On their part, civil society groups had earlier participated in the monitoring of elections in the country since 1999 under the platform of the Transition Monitoring Group (TMG), a network of over 400 member CSOs. In its reports the group unequivocally stated that the 2007 election was programmed to fail and represented a serious democratic deficit to Nigeria's democratic development (TMG, 2007).

The position of the CSOs on the verdict of the 2007 election, described elsewhere as badly flawed election (Human Rights Watch, 2007), was very clear - that a product of such election that was wantonly abused should not have the legitimacy to govern nor would he make governance good. The consistent campaign for discrediting the election was further strengthened by the Alliance for Credible Election, a coalition of mass based organisations dedicated to credible elections in Nigeria. However, two major actions slightly changed the momentum of the CSOs' campaign of discrediting Yar'adua's electoral victory, but these did not completely obliterate their stance.

First, during his inauguration speech on May 29, 2007, the new president concurred with the views of CSOs and other independent

stakeholders that the election was flawed and promised to reform the country's electoral system by setting up a 22-member Electoral Reform Committee to examine the electoral process with a view to raising the quality and standards of elections. The Chief Justice of Nigeria, Justice Muhammad Uwais, chaired the Committee and its members were reputable statesmen and women with proven track records in public service, labour unionists, civil society and pro-democracy activists and scholar-activists of high repute. Second, in what many Nigerians described as unprecedented, President Yar'adua declared his assets shortly before his assumption of office, an action that attracted commendation across political divides and a broad spectrum of the Nigerian society and abroad.

Despite spectacular actions, which also attracted the commendation of civil society, the gesture did not outrightly make CSOs relent on their condemnation of the flawed 2007 election. Not even the court action challenging the declaration of Yar'adua's victory at the polls initiated by the rival opposition party, the ANPP, significantly convinced the civil society groups to withdraw their call for the cancellation of the election. In fact, in the early years of Yar'adua's administration, the CSOs wrote a protest letter to the German Chancellor, Angela Merkel, protesting her invitation of Yar'adua to the G-8 meeting in Germany. CSOs' ground of protest was premised on their consistent position on the flawed 2007 election, which, as they further stressed in the letter, even the European Union Election Observation Mission described as "not credible".

Thus, despite the fact that the President assumed power through a highly discredited election and the imbroglio of the legitimacy crisis that followed his assumption of office, Nigerians still welcomed the regime with high expectations. Similarly, despite its giant strides in fast-tracking the process of reforms in the oil sector, peace in the Niger Delta and the institutionalisation of the prudential management of the Nigerian economy, as well as the promotion of the rule of law at the initial period of the regime, the government was embroiled in two dilemmas, which made CSOs sustain the agitation for good governance—mobile stock deal by the former Governor of Delta State, James Onanefe Ibori, who alongside

Obasanjo played a major role in the emergence of Yar'adua as President in 2007, cast doubts on the sincerity of the government to address corruption. The second was the nemesis of anointing a seriously ill president by the ruling party, which led to a power vacuum and an unfortunate crisis of leadership in the country. The president had been sick for some time even before the 2007 election. He was suffering from a chronic kidney problem, a situation that raised the question of whether Yar'adua would be fit to contest for the presidency and steer the leadership of the country in the event of his election into the office. This concern was interpreted by the powers that be as opposition and politically motivated. His condition of health deteriorated while serving his first term in office and reached to a point where he had to frequently visit his physician in a Saudi hospital. During his last trip to Saudi Arabia for medical attention on November 24, 2009, the cabal, for what could be interpreted as political expediency, shrouded Yar'adua's illness in secrecy.

The civil society was confused about the looming uncertainty over the power vacuum created and was eager to know why the president's condition of health, which is ideally a public domain, was confined to the private sphere by a cabal. In addition, the absence of a formal transfer of power by the ailing President to his Vice President had not only sparked a constitutional crisis but also divided public opinion both within and outside the government.

Within the government circle there were two categories of public officers holding different positions. The first position came from an inner cabinet of the Yar'adua administration. This group constituted a small cabal whose leaning and political scheming could easily be understood from their body language, imprecise utterances and conspiracy of silence during the crisis of Yar'adua's illness. Throughout the five-month period of his stay in the Saudi hospital and after his return in February 24, 2010, political power was in the hands of his inner cabinet. The Vice President was kept in the dark about the state of the President's heath. Top public officers of the regime who were kept at bay by the cabal represented the second group. This group was represented by the Minister for Information,

Dora Akunyili, who, as the crisis of Yar'adua's illness deepened, wrote a memo to the Federal Executive Council (FEC) asking the ailing president to present a letter of vacation to the Senate as required by section 145 of the 1999 Constitution (*Vanguard Newspaper*, February 27, 2010).

Outside government circles, one can identify two interest groups and the civil society. The first group stemmed from the wider national political forces in Nigeria whose political calculation tilted towards north-south power relations. In fact, prior to the death of Yar'adua some northern elite were concerned that he would not be able to serve his full term in office and the power vacuum that would be possibly created could lead to a shift of fortune against the north because of the apprehension over the possibility of discarding the "gentlemen's" agreement reached in the PDP on zoning the presidential position between the two competing political power relations divide, the north versus the south. Initially, the Arewa Consultative Forum (ACF) was in the forefront in projecting this view as a northern agenda, but its stand was short-lived. In a sudden twist of fortune, the Forum later withdrew its support and took sides with those who insisted on the Constitutional process.

The other interest group was represented by some regional groups who either counterpoised the initial stand of the ACF or took sides with the popular view held by many Nigerians on the urgent need for the constitutional process in the politics of power succession. For example, the President of the Oodua People's Congress (OPC), Dr. Fredrick Fasehun, wrote to the National Assembly requesting for the impeachment of President Yar'adua because his "sin is no longer that of refusing to hand over power temporarily to his deputy as the Constitution demands, but that of unbridled suspension of the Constitution and that of outright impunity" (*Sahara Reporters*, February 03, 2010).

In contrast, a group comprising prominent Nigerians, politicians across political party affiliations, activists and professionals asked Yar'adua to step down and allow the Vice President Jonathan to

complete his term and conduct the next general election on the basis of the recommendations of Justice Muhammad Lawal Uwais. This position was reportedly endorsed by over 30 distinguished Nigerians, including Alhaji Balarabe Musa, Chief Olu Falae, Alhaji Aminu Masari, Mr. Femi Falana, Alhaji Dauda Birma, Hajiya Naja'atu Mohammed, Alhaji Lai Mohammed, Mrs Joe Odumakin, Dr. Usman Bugaje, Professor Itse Sagey and Alhaji Buba Galadima, among others.

The position of the civil society was articulated by Nobel Laureate, Wole Soyinka, and the SAVE NIGERIA Group and the Coalition of Concerned (CCS) led by the Director of the Centre for Democracy and Development (CDD), Dr. Jibrin Ibrahim, the General Secretary of the West African Civil Society Forum, Professor Umar Udongo, and the Executive Director of the Centre for Peacebuilding and Socio-Economic Research Development, Dr. Kunle Fagbemi. Both groups demanded the Constitutional process in the succession of the President. However, while these two civil society groups presented a common position on what could be done within the ambit of law to end the crisis of power succession during the high point of Yar'adua's illness, they slightly differed on how the *dramatis personae* (Yar'adua and the cabal in his cabinet) could be sanctioned.

Like the other groups, the CSOs obviously believed in the sanctity of the Constitution and called upon the President to hand over power to his vice because his medical condition was apparently drifting Nigeria to a serious political crisis. In a paper presented by the Executive Director of the African Centre for Leadership, Strategy and Development (Centre - LSD), Otive Igbuzor, the CSOs position was summed up, as he stressed that rules and procedures of succession as clearly spelt out in the Constitution should be adhered to and that any change to this provision "is an invitation to chaos" (Igbuzor, 2010). However, this group differed in approach by soliciting for the impeachment of the hospitalised Yar'adua and giving him a January 31 deadline to either transmit a letter to the National Assembly on his inability to perform his duties or be ready to face pressure for impeachment. The SAVE NIGERIA GROUP

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went a step further by calling for the arrest and prosecution of Yar'adua's aides. They were said to have denied any modicum of reliable information on the state of his health and by so doing further saturated the Nigerian polity.

It was against this background that the Senate and the House of Representatives recognised Jonathan as Acting President on February 9, 2010. The Acting President became the President after the death of the President on May 5, 2010, and was to serve for the remaining period of the deceased as President until May 28, 2011. It is important to note that in the lingering crisis of succession, the CSOs were instantaneously in favour of a democratic process of resolving the power vacuum created. However, what is more important to address is the question of a legitimacy crisis, which is an important index of good governance. Both Yar'adua and Jonathan were the products of President Obasanjo's imposition and therefore devoid of the much cherished factor in governance, that is, political legitimacy rooted on the basis of popular support. What really caused this dilemma in Nigeria's Fourth Republic can best be described in the words of Matthew Hassan Kukah (2014), who lamented that in Nigeria today people aspire for public offices and eventually succeed in coming into public life with neither preparation nor evidence of exposure or programme of action to engender good governance beyond the patronage. It is in this context that one can understand the crisis of governance in Nigeria under both Yar'adua and Jonathan administrations and the context of the state-civil society relations in the process of democratisation, particularly in the period of the latter.

Civil Society and Good Governance Conundrum in the Period of Jonathan Administration 2011 -2014
Civil societies play manifold roles in the democratic development of societies. However, in order to assess these roles some indicators, such as ensuring credible elections, guaranteeing against democratic threats, influencing public policy and responding to social interests, have been identified as the main role of civil society (Mercy, 2012). These functions can be discharged through various strategies, depending on the organisational strength of the civil society

concerned and its resources and access to information and the character of the state that it interacts with.

In the area of fostering governance in particular, Ghaus-Pasha (2005:3) lists five (5) strategic areas of civil society's intervention that can help to further governance. First, by policy analysis and advocacy for a change of action or reform; second, by regulating and monitoring state performance and the action and behaviour of public officials that deviate from the tenets of democracy and popular expectations; third, by building social capital and empowering citizens to identify and articulate their values, beliefs, civic norms and democratic practices; fourth, by encouraging public participation through mobilising particular constituencies, particularly the vulnerable and marginalised sections of the masses to participate more fully in politics and public affairs; and fifth, by engaging in development work to improve the well-being of their own and other communities.

In Nigeria, civil society's engagement with the state on the question of governance through the various democratic processes listed above is not a new practice. The trend was heightened in the period of military dictatorship and has helped to facilitate the return to civilian rule in 1999 (Mohammed, 2010). CSOs have been playing a prominent role in promoting democracy and good governance. The relative opening of the democratic space has further created a fertile environment for the CSOs to operate and expand their activities, although this space is often contrived when the interest of the state is felt to be threatened. Thus, since the ability of the CSOs to function effectively under a civilian regime is informed by whether or not the democratic process is evolving on the principle of autonomous engagement and the ability of the state to clamour for the legitimacy of policy action, the civil society finds a veritable climate for contesting the public realm with some form of vigour and consistency. The rise in the tempo of the sustained struggle against bad governance in the country is not a co-incidence, but this has been informed by the manner the Nigerian state has been steering the process of governance with some form of insensitivity to the overall interests of the society. When politics becomes the most

lucrative industry for personal enrichment, fame and instant social mobility without a corresponding attention paid to the provision of basic social needs of the society, a veritable climate for civil society to demand for accountability is created.

The cardinal objective of the economic programmes of the Jonathan administration is encapsulated in what the government called a Transformation Agenda. It is an economic policy package that tilted away from the Yar'adua's 7-point Agenda. It included a framework of policy action designed to tally with the government's deregulation of the Nigerian economy. In pursuing the goals of the Transformation Agenda, the performance of the Nigerian state was crippled by lack of a visionary mindset, insensitivity to national diversity, politics and endemic corruption. What really exposed the government's posture on liberal economic reforms was its insensitive and unpopular pronouncement of the increase in the pump price of petroleum from N65 to N141 in January 2012. One of the reasons given by the government for the increase was that over a trillion Naira was spent in 2011 on petroleum subsidy and that this amount was too much a burden on the economy. The government relied on the false impression of the victory of the ruling party at the 2011 polls and misguidedly thought that it could earn the support of Nigerians for its liberal policies at all costs. The civil society groups in their nationwide rejection of the withdrawal of the fuel subsidy raised several questions. Mobilised under a coalition of CSOs in Abuja, with similar organisational cells in the country's major cities, tagged "Occupy Nigeria", the CSOs confronted the Nigerian state head-on over the issue of fuel price increase.

The coalition, which consisted of the Action Aid International, the United Action for Democracy (UAD), the Campaign for Democracy (CD), the Nigerian Labour Congress (NLC) and the Civil Society Legislative Advocacy Centre (CISLAC), protested the sudden hike in the pump price of petrol and asked the following questions, among others: why was Nigeria the only member of the Organisation of Petroleum Exporting Countries (OPEC) with the highest cost of petrol per litre? Why was Nigeria the only member of OPEC that imported over 80% of its refined petroleum products?

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The answer to these questions, according to the coalition, was not far-fetched — corruption in the oil and gas sector (*News Express*, February 12, 2014).

Most of the accusations labelled against the government on corruption before, during and after the fuel subsidy withdrawal protest across the country were neither reacted to sensibly nor was a constructive clarification offered to the general public about what went wrong, where and how to explain the withdrawal of subsidy on petroleum. Instead, the government was defensive and responded that the protest, particularly in Lagos was not a true reflection of the position of the masses but that of those who sponsored them and were aided by what the president called 'political media' (*Punch Newspaper*, September 19, 2012).

 It would be recalled that in May 2011 a coalition of CSOs under the aegis of the African Network for Environment and Economic Justice (ANEEJ) had condemned the non-passage of the Petroleum Industry Bill by the outgoing National Assembly before the expiration of their tenure (Advocacy Memo, March 11, 2014). Key government functionaries, including the President, repeatedly assured the CSOs that the Bill would be passed into law before May 29, 2011. It was thought that the Bill, when passed into law, would ensure accountability and transparency that could block the perennial corruption in the operation of the sector. Therefore, the coalition noted that by not passing the Bill the government was intentionally toying with the Nigerian economy and that the announcement of the fuel hike was a smokescreen intended to hide the primitive capitalist accumulation taking place in the sector. The January 2012 protest was not essentially a fuel hike protest but also the expression of civil society's response to the lingering corruption in the country and the continuous decay of public institutions largely due to bad governance and mismanagement of the economy, which engendered serious democratic deficits on the part of the Jonathan administration. In a press conference, the "Occupy Nigeria" movement made it clear to the government that, although the current economic crisis was global:

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Here at home in Nigeria, the global economic crisis has been compounded by the monumental corruption of the ruling class, its administrative and managerial ineptitude, and its political and governance [sic]. The Nigerian ruling class has been content to loot the treasury and to place its pecuniary interest far above the collective interest of the nation and her people (Quoted from *Sahara Reporters*, December 01, 2011: 1-2).

Premised on this line of thought, the CSOs exposed the political economy of the administration's withdrawal of the subsidy on petroleum by pointing out that in fellow OPEC member countries fuel prices were cheaper than in Nigeria. And contrary to the claim made by the federal government that it was subsidising fuel, Nigerians were already over paying for fuel because the actual cost of a litre of petrol ought to be N39.5k (*Nigerian Voice*, December 30, 2011). Thus, the fuel hike protest, which started in Abuja and spread to Nigeria's major cities, was also a manifestation of the importance of networking among the CSOs in what Rosemary Kane (2001) referred to as an interactive society form of engagement. The protest was also harbingered by Coalition of 'Save Nigeria' (CSN), which comprised the NLC, NBA, NMA, ASUU, professional bodies, market women and artisans, traders, students and petty traders, among others. In Lagos and Kano, the protest was intense, well-coordinated and total. Although the NLC called-off its mass protest half way in the struggle without the consultation of other CSOs, the unity of purpose, perseverance and organisational strength of the CSOs involved in the protest brought to the fore the issue of governance as the major area of concern for Nigerians. For example, in Kano the protest, which was carried out under the umbrella of the Kano Civil Society Forum (KCSF), brought Muslims and Christians together regardless of religious or ethnic affiliations. Not only did Christians protected Muslims while they prayed during the protest, but also Muslims were said to have reached a Mutual Protection Agreement with Christians not to attack each other (*Sahara Reporters*, January 5, 2012). In Niger State, Muslims were said to have shielded a church to protect worshippers while they were having a worship service (*Daily Times*, January 15, 2012).

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On the whole, even though the demands of the protesting civil society groups may have not been squarely met, it can be concluded that the role of the ''Occupy Nigeria'' movement in the street protest that took place for seven days further exposed the state on the issue of corruption in the oil sector. in particular, and in the nation in general. In her assessment of the impact of the Occupy Nigeria protest, a year after, Joe Odumakin argues that:

> The gains of Occupy Nigeria include the great awareness that corruption is the key issue in Nigeria's oil sector and not subsidy. The HOR probe and the Ribadu report eloquently speak to that. The shoddy handling of the persecution of indicted subsidy thieves clearly demonstrates that the haemorrhage is coordinated at the highest level of government. The fact that government was unable to increase the prices of petroleum products again in 2012 is as result of Occupy Nigeria. But because the struggle was not taken to a logical conclusion, the subsidy thieves are still walking free and the official thefts, in the name of subsidy continues (Quoted in *Premium Times*, January 12, 2013).

Still on the question of corruption, civil society groups demonstrated their readiness to fight corruption through various coalition groups. Prominent among these coalitions were the Zero Corruption Coalition (ZCC), the Convention on Business Integrity (CBi) the Transparency International in Nigeria (TIN), as well as some independent CSOs that did not belong to any of the corruption coalition group, such as the "Publish What You Pay", Integrity and the Independent Advocacy Project (Mohammed and Moses, 2012). Central to the CSOs campaign against corruption is the general concern that the phenomenon is permeating the various sectors of the Nigerian society and that the government did not show adequate political will to get rid of it. In its state of the nation lecture organised by the "Save Nigeria Group", Professor Niyi Osundare, a guest speaker at the occasion, captured the dangers of simmering corruption cases in the country which he summed up in the following words: "Nigeria is a kleptocracy: a state ruled by thieves; we no longer blush because we have lost our skin; corruption is Nigeria's fastest growing industry; if Nigeria does not kill

corruption, corruption will kill Nigeria. Our fate is our own hands'' (Osundare, quoted in *Sahara Reporters*, July 9, 2012).

In its usual bid to cover up corruption among its public officers, the Nigerian state during the Jonathan administration ignored whistle blowing from within and outside, as in the case of Petroleum Minister, Diezani Allison-Madueke's jet and N58.9 trillion oil block scandal and the missing oil money in the Nigeria National Petroleum Corporation (NNPC). In some cases, those involved in celebrated cases of corruption received presidential pardon, as in the case of the former Bayelsa State governor, Diepreye Alamieyeseigha, the former Nigerian Port Authority Chairman Board of Directors, Chief Bode George, and the former Managing Director of the same authority, Alhaji Aminu Dabo, or cleared and appointed as party officials, as in the case of the former governor of Bauchi State, Alhaji Adamu Mu'azu, who was made the Chairman of the ruling party in 2014. This phenomenon irked the CSOs with respect to the attitude of the Jonathan administration and further expanded the tempo in the struggle for good leadership and accountability in governance.

Prominent among the cases of corruption charges that attracted the civil society was the presidential pardon granted to Alamieyeseigha, who was convicted for economic and financial crime, the slow phase in the investigation of corrupt charges on the former Assistant Director of the Police Pension office, John Yakubu Yusuf, who defrauded the office and pensioners of N27.2 billion, the Aviation Minister's N3.2 billion contract mess, the missing of between $10.8 billion and $49.8 billion in the country's oil and gas sector and the bribe allegation of $620,000 against Farouk Lawan, a member of the House of Representatives, who chaired the Petroleum Subsidy Investigation Committee of the House. In the case of the former Aviation Minister, Stella Oduah, she was found guilty by two panels, which probed the purchase of two armoured BMW 760 cars by an agency under her supervision, the Nigerian Civil Aviation Authority (NCAA), for N255 million (approximately $ 1.6 million) from Coscharis Motors Limited in violation of Nigeria's public

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procurement and appropriation laws. It took CSOs open and daily campaigns before the government removed her from office.

In one of the most bizarre fabrications of the regime on the issue of corruption for which the civil society heavily criticised President Jonathan was his claim during his independent anniversary speech in October 2012 that the global corruption watchdog, Transparency International (TI), had endorsed his administration's war against corruption and that the country "is the second most improved country in the effort to curb corruption" (Quoted in *Premium Times*, October 4, 2012). The President made the assertion ostensibly to garner local and international support for his regime but it turned out to be a false official statement. The Civil society mocked the government after the TI immediately responded by sending an email to *Premium Times,* declaring that the President's claim was untrue. One of the activists, who responded to President's speech, Mrs. Joe Odumakin, stated thus: "lying is a cardinal tool for governance for President Jonathan" (Quoted in *Premium Times*, October 4, 2012).

The close connection between governance, development and security is another index of good governance and democratic consolidation. With over 160 million people out of which over 60% represent the poor and live below $1.25 a day, the dilemma of national development has over the years generated tension and acrimonious relationships among social groups in Nigeria. However, as poverty deepened in the last ten years, so were social discontent and conflict between the state and the society. Several militia groups from different parts of the country emerged out of the need to contest the legitimacy of the state or the public space itself. These included: the Niger Delta militants in the South-south and the *Boko Haram* insurgents in the North-east and other parts of the Northern states. At various points, crude oil production as well as exploration was hampered by conflict in the Niger Delta and the country was said to have been held to ransom as it lost N155 billion ($US1 billion) monthly to oil theft (Okonjo-Iweala, cited in *Premium Times*, April 18, 2013).

Since 2009 when the activities of *Boko Haram* continued unabated, the issue has been overly politicised. Instead of the federal government to face the reality of the situation and evolve adequate intelligence measures and dialogue, the country was left bleeding (Obasanjo, 2013). Emergency rule was imposed in the most seriously affected states of Borno, Adamawa and Yobe in May 2013 and mixed reactions trailed the announcement of its extension in the following year, apparently because the rule left much to be desired in restoring peace in the affected areas. Although a handful of organisations like the Human Rights Writers Association of Nigeria (HRAN) supported Jonathan's extension of the emergency rule, the general perspective among civil society groups is that government lacked the audacity to face the challenge of insecurity in the North-east of the country because of the absence of political will. The Achilles heel of the country's deadly insurgency came to a head on April 14, 2014 when the group abducted over 200 students of Government Girls Secondary School Chibok in Borno State. The civil society found the situation unacceptable. In fact, the "#Bring Back Our Girls'' movement grew out of this critical challenge. Civil society groups in the country reacted by staging daily protests in Abuja and major cities throughout the country and in no time the abduction case was internationalised by the BBOG campaigners through various social media outfits and exposed the seriousness of the situation. Until then, it took the federal government more than a week before accepting the authenticity of the incident of the abduction of the girls in Chibok.

There was a serious concern about the Chibok abduction locally and internationally but the Nigerian state played politics with the issue, believing that it was stage-managed to embarrass the government. The President and his wife initially personalised the news of the Chibok abduction at the time when the various civil society groups regarded the incident as a national tragedy. When the government was later convinced that the incident really happened, it resorted to soliciting international assistance to rescue the girls from their abductors, an idea which further confirmed the views of some Nigerians that the insurgents were more organised and more logistically trained to fight than Nigerian security operatives. The

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situation also called for borrowing by the federal government to upset the expenditure on security. In a letter, entitled ''Tackling Ongoing Security Challenges for Urgent Action'', dated 15th July, 2014, the President requested for the approval of the National Assembly for external borrowing of about $ 1 billion to combat the *Boko Haram* terrorists threat. This amount was meant to augment close to $6 billion allocated for security spending and maintenance in the 2014 budget (*Sahara Reporters*, July 16, 2014).

Regretably, when the organised civil society groups protested for the release of the girls in Abuja in what is generally known as "the Bring Back Our Girls'', a campaign led by Mrs. Oby Ezekwesili, the federal government decided to organise a similar campaign with a different motive. The government sponsored fake CSOs to demand for the release of the abducted girls by the insurgents and apportioned blame on the government of Borno State for inaction instead of the federal government. Also, despite several calls by Nigerians for the President to visit the Chibok town, the presidency decided not to make such a move. It took Malala Yousafzai, the Pakistani girl-child education campaigner, coming to Nigeria to convince the President to meet and share with the parents of the abducted girls their agonies and sympathy over the abduction. Even then, it was later revealed that Malala's visit to Jonathan was pre-arranged by an American-based Public Relations firm, Levick's PR, in a deal worth $ 1.2 million (*Sahara Reporters*, July 17, 2014). Though the firm denied any involvement in arranging the Malala's visit, it admitted to leading Nigerian officials to the podium to address the media on the day of Ms. Malala's visit (*Sahara Reporters*, July 15, 2014).

Worse still, Levick's PR plan hit the rocks when the families of the abducted girls refused to meet Jonathan at State House at Aso Rock Presidential Villa. The President reacted thus: ''It now appears that our fight to get the girls of Chibok back is not only a fight against a terrorist insurgency but also against a political opposition''(*Sahara Reporters*, July 15, 2014). Though the President met with Chibok girls' parents on July 29, 2014 at the Villa, the frantic search for the whereabouts of the abducted girls exposed the vulnerability of the

security situation in Nigeria under the Jonathan administration and the resilience of the civil society in its prodding the state in the country. The CSOs delegation to the national conference once expressed their concerns about the politics that the Chibok abduction generated in the following words:

> We are worried that two weeks after the abduction of 234 teenage school children, and days after nearly 44 of them, through their own efforts escaped from their abductors; not only has the entire security architecture failed to locate let alone rescue the pupils; but also the political elite leadership has continued to engage in a shameless blame game, competing to make political gains out of our collective misery (*Sahara Reporters*, April 28, 2014).

Similarly, the interrogation of the action or inaction of the state in the face of consistent, well coordinated and successful bomb attacks and strikes by the *Boko Haram* obviated further questions. This was clearly pronounced after the Nyanya bomb blast in Abuja when the President visited the scene of the blast, commiserated with the victims and proceeded to Kano for a political rally where he was sighted dancing in the midst of his party supporters. Meanwhile, the growing pessimism over the capacity of the Nigerian state to provide good governance, peace and security made the civil society vocal, fearless and active in engaging the state on national security concerns, an issue which hitherto received scant attention from the CSOs. In particular, from the perspective of the human rights based CSOs the Socio-Economic Rights and Accountability Project (SERAP) noted that the failure of the Federal Government to prevent the continuous violence and loss of lives in the North-east of Nigeria was a breach to the role of the state in protecting citizens' rights to life and a violation of the country's obligation to protect the rights of its people (Mercy, 2012).

Challenges and Opportunities for Broader Engagement with the State on Issues of Good Governance
Thus, it can be said that civil society groups have contributed to the development of democracy and governance in Nigeria through consistent advocacy, whistle blowing and the empowerment of the disempowered groups in the society during the period of the

Jonathan administration. However, in the course of discharging these roles, the CSOs were confronted with a myriad of challenges. These challenges included but were not limited to the organisational strength of individual CSOs and the political and economic environment in which these organisations operate. There was serious concern that the CSOs in Nigeria were divided ideologically. While they had been yearning for national dialogue, the one that was eventually agreed to be hosted by the government differed from the one envisaged by them. A section of civil society from the South-west of Nigeria, pro-democracy and human rights organisations had for a long time demanded for a sovereign national conference, while some others did not even see the imperative of a national conference in resolving the national question. Similarly, although the national conference organised by the Goodluck Jonathan administration also recognised the importance of CSOs in contributing to the then ongoing debate on the national question when representatives of the sector were accommodated, some prominent CSOs distanced themselves from it. Their opposition to the conference emanated from their conviction that the country did not need a conference to solve its problems and that similar jamborees were held in the past but their recommendations had not seen the light of the day. In fact, saddened by the unending constitutional conferences, the Civil Rights Congress of Nigeria (CRC) distributed copies of the report of the 2005 National Conference to *Suya* (roasted meat) sellers*,* cake sellers and butchers in an apparent mockery of the 2014 National Conference.

Also, there was serious bickering over the nomination of zonal representatives to the National Conference. In some of the six geo-political zones, activists disagreed with the selection of representatives by well-established and renowned civil society pro-democracy activists. The 24 slots allocated to CSOs consisted mainly of the mainstream Nigerian human rights and pro-democracy activists, who had served as vanguards in the struggle for democracy under military rule some of whom are still leading prominent NGOs in the country. The South-east activists in particular rejected their zonal representatives whom they referred to as, ''Diaspora

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activists'', who were not based in their zone and therefore lacked the credibility to represent them.

Another challenge of civil society groups in Nigeria is their relative capacity to advance a much more constructive engagement with the state on governance. This capacity is dependent on access to resources and internal democracy in each organisation or a coalition of CSOs. Most of the vibrant CSOs depend on projects from specialised agencies and donors. Though foreign donor support is highly appreciated because corporate Nigeria's support is minimal, local CSOs must diversify their search for funds from within in order to compliment the ones that come from overseas. Without such interventions, most civil society groups can hardly work consistently to prompt the state to change. Their advocacy activities are in most cases short-lived because they consider their actions as events rather than as a process. In a situation where such organisations are located in Abuja or in major state capitals, their voice is limited to the area. This explains why most of the visible CSOs that featured prominently during the period of military rule, such as the Committee for the Defence of Human Rights (CDHR), the Human Rights Monitor (HRM), the Civil Liberties Organisations (CLO), the Network for Justice (NJ) and the Constitutional Rights Projects (CRP) are presently not always involved in advocacy and mass mobilisation or action against the failures of the state as they used to do during military rule.

Mohammed (2010) has pointed out that dependable and strong domestic financial assistance at this time of the dwindling external flow of institutional support to the civil society sector will make a difference. Although assistance from the private sector started coming, for example, in 1999, the United Bank for Africa (UBA) contributed three million Naira (₦3,000,000:00), approximately US$30,000, to HURILAWS (DCHR, 2001), more support from different local sources is needed. Contributions from membership dues or sales of publications are not enough to finance the operation of human rights NGOs. Thus, what is needed is that these organisations should establish an effective and transparent

accounting policy so as to raise the confidence of stakeholders locally.

Similarly, where an organisation with a large membership does not institute the practice of internal democracy, the foundation on which it can effectively articulate for good governance at the national level is shaky and doubtful. Thus, there is the need to promote democracy in civic associations, so that the spirit of group legitimacy can be institutionalised for broad acceptance and recognition in the society.

Civil society groups are also challenged by the state through its repressive and diversionary actions that are meant to either distract the coordination of their activities or cast doubt in the minds of people in the society about their worthiness to national development. It would be recalled that under the guise of the security situation, the Commissioner of Police of the Federal Capital Territory (FCT) went to the extent of banning the activities of the "#Bring Back Our Girls" campaign on the ground that it constituted nuisance for the country.

There is also a problem of the information required to take a course of action, especially on corruption. Access to information is very difficult to CSOs working in the area of peace and security. It is in view of this that Fatai (2012) notes that the civil society is short-changed in the struggle against corruption in Nigeria because of inadequate information. Sufficient information for the CSOs is a central weapon of engagement with the state.

The state of insecurity is also a cog in the wheel of progress for the civil society groups. In most of the flash-points of conflicts where CSOs intervention is badly needed, their absence is noticeable. In most of the conflict-ridden areas the security forces could not guarantee the safety and security of the investigative monitoring of governance or policies. Fact finding and advocacy on the state of insecurity can hardly produce independent and autonomous reporting of what went wrong, why and how. Despite the repressive actions of the state, the civil society has opened up the opportunity for citizens to be easily mobilised, sensitised, politically educated

and empowered to express their interests and share ideas on how best to move Nigeria forward. They are not only setting the agenda for policy direction but also monitoring how legislations are made and policies implemented.

Conclusion

The role of CSOs in ensuring that the governance process is effective in a democracy is a crucial feature of democratic development and consolidation. The unflinching struggle for good governance by CSOs during the Jonathan administration exposed the incapacity of a regime that lacked popular support from its citizenry largely on account of bad governance. Civil society groups had compelled the government to institute committees, political and economic reforms, as well as introduce institutional changes and awareness about accountability and transparency in governance. For example, the Subsidy Re-investment Programme (SURE-P) policy embarked upon by the government in order to redistribute to the poor the surplus made from the fuel subsidy reduction, though its implementation was profoundly and sadly affected by corruption, was a product of the 2012 fuel subsidy protest spearheaded by the CSOs. The same can be said about the passage of the Freedom of Information Bill in 2013. Similarly, CSOs views are adequately used as input in public policies and have continued to define the agenda of state policies, directly and indirectly. Some of the vibrant civil society groups, like the Civil Society Legislative Advocacy Centre (CISLAC), have supported the implementation of African Union instruments in Nigeria through seminars, conferences, workshops and public sensitisation activities in the county.

 For these organisations to move faster in this activity and continue to effectively serve as an intermediary between the state and the society on matters of governance, they must develop requisite principles of active networking, internal democracy, the continuous empowerment of the society through political education and adapt with the changing nature of global transformation for sustenance and independence. The chapter reveals that the consistent advocacy and monitoring of state institutions undertaken by the various CSOs

under Jonathan administration exposed the docility of leadership and governance at the time of national economic and security crises.

CHAPTER EIGHT

CSOs, Political Parties and the Electoral Process in Nigeria's 2015 General Elections[1]

Introduction

Civil Society Organisations (CSOs) and political parties are two institutions that play a profound role in the democratisation process of modern democratic societies, but the context and nature of their respective roles differ, as their objectives, character and approaches are remarkably different. While, on the one hand, the former is not motivated by the desire to wrest power, on the other hand, the latter's objective is not only to capture power but also to retain it. Essentially, CSOs and political parties are rarely compatible. Even when at a time both shared common ideals, in the process such a point of convergence could turn out to be temporary. At another time, as is usually the case mostly in developing democracies, their ideals are diametrically opposed to each other largely because CSOs are expected to serve as an interface between the public and the private spheres of societies, but consciously or otherwise they are not immune from the exigencies of the very political society in which they are operating. However, within the context of the democratisation process, which requires the establishment of synergy and alliance, partnership and compromise, CSOs and political parties, being the critical stakeholders in the process, do perform roles that are common to the expectations of representative democracy. These expectations are informed by expediency, the nature and the context of the political and social environment in which the two institutions thrive and the intricate exigencies of democratisation often dictated by the trials and tribulations associated with its process.

Benhard et al (2015) identify three areas in which civil and political societies play several essential roles in this process. First, they are arenas through which citizen preferences are formulated and aggregated. Second, they represent the spheres of society in which citizens overcome collective action, secure representation and contribute to policy change. Third, and directly related to this chapter, through CSOs' resistance to unpopular state actions and contesting elections by political parties. Hence, both institutions are sources of countervailing power that makes a political system accountable, responsive and responsible. Suffice it to say that unlike political parties whose central aim is to capture power, CSOs are non-political and non-profit voluntary organisations that are aimed at establishing common ground with other institutions either through consensual, integrative and collaborative actions (Berber, 1995) or interactive networks to bring about, consolidate or sustain democracy. It is within this prism that one can situate Nigeria's return to civilian rule in 1999 and the flavour this milestone added to the constructive engagement pursuit by stakeholders in the country's transition to democracy.

Needless to say that the return to democracy has brought actors that were hitherto not seeing face-to-face or even perceived each other with disdain to coalesce and hasten the deepening of democratic norms. Within the context of the country's electoral process and the roles that each of the various actors play in it, CSOs, whose gestation period started in the prolonged period of military rule, have undergone different permutations at different stages of their existence. However, central to their cherished values today is the instrumental role played in first ending authoritarian military rule and, second, their continuous role in the consolidation of democracy collectively through the mega alliance called the Transition Monitoring Group (TMG) and, individually, by participating in various programmes—sponsored or self-initiated, with local institutions and international donor agencies. What is most interesting is the fact that as civilian rule passes from one end of election to the beginning of another, CSOs and political parties have come to realise that upholding democracy as a system of

government in Nigeria has an in-built existential impact on their activities as it has to their relevance as actors.

It is in the context of the institutionalised relationship between the *specialised, formal, informed and visible* CSOs, on the one hand, and political parties, on the other, in the promotion of credible electoral process that this chapter examines the importance, challenges and prospects of these institutions. Specifically, while the chapter argues that despite the constructive roles of CSOs as an important resource for parties during times of electoral competition, political parties do not utilise the effectiveness of the institution as a veritable agent of political education, interest aggregation and articulation. In some cases, either due to lack of awareness of the resourcefulness of the CSOs, which only the electoral body had been able to successfully tap in its preparation for the 2015 general elections, the political parties considered civic associations' whistle blowing role as opposition, especially in the build-up to the election. Therefore, the chapter argues further that the experience of CSOs, political parties and the electoral process shows that in spite of the successful transition to democracy that heralded the defeat at the poll of the ruling People's Democratic Party (PDP) and the triumph of the opposition All Progressives Congress (APC), political parties are yet to learn the ropes of synergising with CSOs for expediency or in nurturing democratic values.

The chapter is divided into four sections: Section One deals with the introduction and Section Two establishes the nexus between CSOs, political parties and the electoral process within the theoretical and empirical contexts. In Section Three, the character, pattern and various modes of interaction and interrelationship between the two institutions in Nigeria's democratisation process since the return to civilian rule in 1999 are examined. This section sets the tone for Section Four in which the roles of each actor in the electoral process with specific focus on the 2015 general election is analysed. Section Five concludes the chapter.

CSOs, Political Parties and the Electoral Process: A Framework of Analysis

Although discrete theoretical literature on civil society is quite numerous; likewise political parties, there is no such literature that provides an inclusive theorising of the two actors in the electoral process. However, what is common with much of the literature on civil society and political parties is the recognition of their level of institutionalisation in the democratisation process in general. The idea is to understand the role of each actor in relation to the democratic process. Peters (2000) identifies two types of change that are associated with robust institutions. First, a change could occur in the internal development of the institution or its process of institutionalization. Second, any change in the process of institutions is likely to engender change in the values and/or structures that are assumed to characterise the institution. In this way institutional theorists, especially of the normative variant, argue that democracy has communitarian approaches and principles "that subordinate individual preferences and interest to common values and notions about a common good" (Norgaard, 2001: 19). Hence, political development theorists emphasise the need for some level of institutional capacity of actors in order to ascertain how robust and promising these institutions are in building democracy and its consolidation.

In the area of the electoral process of liberal democratic societies, the institutional theory implies that CSOs are institutional partners in ensuring systematic change in the political process for the common good rather than the interests of the state, a clique within it or a certain class in the society. Maiwaring and Torcal (2005) have further widened the scope of institutional theory to include the level of the institutionalisation of political culture and democratic norms in political parties. Specifically, the higher the level of party institutionalisation the clearer its identification with the expected goals of democracy and the less its level of volatility. This is what Norgaard (2001) refers to as 'logic of appropriateness', which also provides somewhat a guiding principle, a sort of code of conduct, which constrains forms of actions, particularly actions that are anti-democratic.

An electoral process is the entire gamut of activities that lead to the conduct of election. It entails not only the reform of the legal framework of elections but also the totality of programmes and actions involving the electoral body, political parties and other stakeholders. "Electoral process," as the term connotes, is really a process not an event that is expected to end forever. It is a continuous exercise that involves new initiatives, changes in the attitudes and practices of political actors and engagement with civil society and the electorate. The steering power of the electoral process is the electoral umpire and its effectiveness is determined by how readily actors commit themselves to making it a success. Similarly, civil society and political parties are two indispensable actors that collectively shape the direction of the electoral process. Civil society represents a particular sector that sprouts from the associational life of the society. It is a veritable institution within which political parties develop and carry out their activities. This is because any association of like-minded individuals who come together and unite under a political platform to express their political interests, wrestle power and give direction to the process of governance must necessarily stem from the society in which it operates. Thus, in civil society lies a political society within which modern political parties emerge and thrive. The robustness of these institutions in the electoral process depends on how deeply institutionalised they become in the democratisation process. For these institutions, institutionalisation is a continuous variable rather than a nominal variable, which begins and ends after election.

The Patterns and Modes of the Institutional Relationship between CSOs and Political Parties in Nigeria

For a political party to compete for power and gain the support of the people, it must, as a matter of rule and principle, gain the recognition and acceptance of the society and legitimately secure the mandate to rule. In other words, civil society and political parties originate from the same social and political environment and represent the institutions of modern liberal democracy. However, despite sharing a common antecedent, the two institutions invariably stand in contrast with each other from the perspective of the democratisation process in Nigeria.

While on the one hand political parties are agents of political change, on the other hand, that change is hardly made possible without the input of CSOs. Hence, the latter constitute the overseers of not only the pattern of rule engendered by a political party but also the process of the former's ascendency to power. It is in this context, particularly from the experience of political parties in the early period of their formative stage under colonial rule in Nigeria, that one can posit that civil society and political parties worked in harmony with the sole objective of getting rid of obnoxious colonial rule.

However, except in the case of the NCNC-Labour Unions alliance in the struggle for better working and living conditions in the 1940s, CSOs were aloof about ideological standpoint to work along with emerging political parties except cultural, ethnic and regional civic associations. This state of affairs was informed by the relative sluggishness in the development of vibrant CSOs, as known in Nigeria today. Partly and most importantly, the weak status of civil society was reinforced by the contraction of the democratic space as a result of the passing of the Public Order Ordinance, which prohibited what the colonial government called the breach of public peace for any civil organised movement to protest against colonial policies. Also, the passing of what was then known as the General Defence Regulations, which deprived unions of the right to strike (Oni, 1983), among other obnoxious measures, did not help matters.

Thus, except in the case of the NCNC alliance with some trade union organisations, there was less political links between political parties and CSOs other than in origin. Since the major political parties in the First Republic were mainly rooted from the informal organisations of civil society, it can be said that CSOs laid the foundation of political parties in Nigeria. These organisations, as Sklar notes, "lay in a multitude of social associations that were devoted to community improvement, political reform and racial liberation" (Cited in Saka and Ifejika, 2015: 29). Thus, from the formation of the Peoples Union (PU) in 1908 to the formation of the first political party in Nigeria; the Nigerian National Democratic Party (NNDP) in 1923, the Lagos Youth Movement (LYM) in the

mid- 1930s and the early 1950s when the three major political parties were formed (the National Council of Nigeria and Cameroons and later, the National Council of Nigerian Citizens, 1954; the Action Group, AG in 1948; and the Northern People's Congress, NPC in 1951), parties had their roots in tribal, ethnic, regional or fraternal-based civic associations.

Though after independence and in principle radical and well informed CSOs had joined the Action Group (AG) in its showdown with the NPC/NCNC-led Federal Government over the issue of Anglo-Nigeria Defence Pact in 1962, most of what is today known as the contribution of CSOs in the electoral process is a new development. Two reasons accounted for this conclusion. First, during the first election ever held to elect the representatives of Nigeria in then Colonial Legislative Council in 1923, the process was overly tailored to deprive Nigerians participate in the process because only Lagos (3 seats) and Calabar/Ogoja area (1 seat) were allowed to elect members of the council to represent the entire country. The political process was decided by the colonial state without due regard to the role of CSOs in providing wider public mobilisation, which the civil society organisations today are known for. Second, democracy in its literal content and virtues was out of sight in the eyes of colonial government, nay the establishment of grassroots democratic politics that could make possible the contribution of the CSOs in the process. The result is that only the political parties, not the CSOs, played a pedestrian role in the electoral process. They mobilised cultural associations and educated voters on the importance of political participation. Ironically, some political parties found this role to their advantage and used the instruments of coercion available at their disposal to widen the already existing gap between the state and society. Many civic associations, especially in Northern Nigeria where the Native Authority (NA) had totalitarian tendencies, were emasculated to death.

It is also imperative to note that lack of experience with democratic governance after decades of military rule had made the process of establishing a virile democracy through a credible electoral process

tenuous in the Second Republic. The result is that neither the CSOs nor the political parties made a substantial contribution to the electoral process because the opportunity was not there and the closed system of the military transition to civil rule meant that institutional linkages on electoral process were contrived. Formal, well-informed, visible and vibrant CSOs working in the area of election were absolutely not founded. The attention of donor agencies was not on the civic sector and, despite all the outward trappings of interest in the democratic development in the country, organised CSOs had not been offered the opportunity of directly contributing to the electoral process in 1979. Consequently, political parties had a free rein exhibiting undemocratic practices; electoral rigging and misconduct permeated the political scene, while the Election Management Body, the Federal Electoral Commission (FEDECO), worked satisfactorily in aiding and abetting electoral misconduct by the ruling National Party of Nigeria (NPN). In the nearly three decades of military rule in Nigeria, authoritarianism gave rise to a sustained struggle for the expansion of the space of political participation by various civic associations, which led to the resurgence of civil society organisations with broad and specific mandates on the democracy project.

The building block of nurturing democracy lies in building trust among the various organisations. Neither is such trust built from within the parties nor does the society trust the political parties in their pursuit of political power. The source of this mistrust lies in the character of party politics in Nigeria, where it becomes a habit for politicians to tilt to any camp for expediency; the particularistic interest of party members would hold sway. This was exactly what happened when political parties wooed General Sani Abacha as their presidential candidate. This singular action taken by the Democratic Party of Nigeria (DPN), the Congress for National Consensus (CNC), the United Nigeria Congress Party (UNCP), the National Centre Party of Nigeria (NCPN) and the Grassroots Democratic Movement (GDM) had created a question mark on the ability of political parties to constructively carve a niche for themselves in deepening democracy. Consequently, although the political parties and CSOs are two veritable institutions of democracy, the

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contribution of the former to the electoral process under the military regime was minimal, while the latter used their limited capacity to promote democracy with a broad outcome. Indeed, other than the state-formed or supported CSOs like the Association for Better Nigeria (ABN) that called for the elongation of Babangida regime following the annulment of the June 12 1993 presidential election and Kalu's Youth Earnestly Ask for Abacha (YEAA), pro-democracy CSOs, such as the National Democratic Coalition (NADECO), the Joint Action Council of Nigeria (JACON), human rights NGOs and other organised democratic movements were relentless in their efforts to ensure Nigeria's return to democracy. Their role in consolidating democracy since 1999 cannot be completed without understanding their unflinching contribution to the electoral process.

The return to civilian rule in 1999 had literally allowed political parties to evolve a wide range opportunities of tapping from the resources of other democratic institutions in order to help to consolidate democracy. On their part, CSOs with varying mandates and outreach flourished. In the ensuing years of the transition to civil rule that ushered in a new civilian regime at the tail end of the 1990s, the emergent CSOs changed their strategy from a confrontational approach to constructive engagement. CSOs and other democratic institutions found the new political atmosphere more receptive to continue to contribute meaningfully to nurturing democratic ethos. Though the evolution of political parties in Nigeria started under colonial rule, yet they are not considered robust democratic institutions, whether in their relationship with the electoral process, the society or even the CSOs to warrant building a strong synergy for credible election. The political parties in the Fourth Republic, like their predecessors in the First, Second and Third Republics, were mainly founded by the political elite, who regard democracy as an easy avenue of getting rich. They constituted a political cult, steering top-down and personality driven institutions.

With the less internalisation of democratic culture and a deficit in internal democracy, political parties in the Fourth Republic became

vulnerable institutions at the hands of their financiers, known in local parlance as *Money bags* or *Political godfathers* or 'powerful executives'. Political parties formed by such cliques or emerging from the dissatisfaction with their internal party power relations normally have little to contribute to the electoral process. Suffice it to say that because political parties hardly extend their reach to other democratic institutions except during the build-up to the election, their vertical links with civil society is occasional and even this is defined by political expediency. In most cases, the role of parties in interest articulation, political education and mobilisation and training future leaders have remained illusionary. These roles are mainly discharged by the CSOs and are more than ever before supported internationally by donor agencies and have become a powerful force in the democratisation process in general. This is largely because, as stakeholders, CSOs today have further recognised the need to form a synergy and grand coalitions as exemplified by the Transition Monitoring Group (TMG) and the Electoral Reform Network (ERN) in order to achieve the common goal of democracy.

CSOs, Political Parties and the Electoral Process in the 2015 General Elections

Elections have been held in Nigeria at different intervals since 1951. From that time to date, the country has conducted fourteen different general elections each of which was bedevilled by contestations and allegations of fraud and electoral violence. The current civilian regime, which started in 1999 following the prolonged years of military rule, has passed through elections in 2003, 2007, 2011 and 2015. The last election was critical to the survival of democracy, as it was for peace and security in the country. It came at a critical moment in the life of the country when politics became, more than ever before, a do-or-die affair characterised by kidnapping, political assassination, religious bigotry, insecurity, electoral violence and increase in the activities of militant *Boko Haram*. Indeed, more than any other factor, what made the 2015 elections keenly contested was that it was the time about four major opposition parties came together and agreed to form a merger party with the strength to compete with the ruling party.

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Similarly, the background of the election provided foreseeable change in the political dynamics and power relations in the country's long established tradition of a party monopolizing the corridors of power by all the means possible. In the event of any mishap and showdown, the election was thought to engender a democratic reversal and pose a serious threat to national cohesion. To crown it all, not only did the 2015 general election receive the attention of Nigerians because of its make or mar signals, but it also received the attention of global stakeholders. Surprisingly though, it was conducted and its outcome turned out to be crisis-free, credible, acceptable and a big relief for Nigeria and Nigerians and indeed to all the stakeholders in the country's electoral process (Ya'u, 2015).

Thus, it can be said that the environment of the 2015 general elections in which CSOs and the country's political parties operated, looked turbulent. Yet the outcome was successful. The central questions to ask are: what role did the two major democratic institutions, CSOs and political parties, play in the electoral process in the build-up to the election? What were the strategies used and the challenges encountered by these institutions before, during and after the election or the electoral process? What were the unfinished areas that require attention in the next electoral process in 2019? In order to do justice to these closely related questions, it is pertinent to discuss the contributions of each of the two 'drivers' of change in the country's electoral process in order to unravel their standing as actors.

CSOs and the Electoral Process

Civil Society Organisations (CSOs) have been playing stabilising and watchdog roles in Nigeria's electoral process in many ways. Not forgetting their weaknesses individually and their attempts to serve as indispensable actors in shaping the direction of governance, CSOs have been able to recognise the importance of establishing synergies among themselves and with other relevant stakeholders. Nowhere does this idea become visible and result-oriented than in the area of the electoral process. Their roles in the organisation and administration of their valued resources as a group and their effective deployment in facing the conduct of elections in Nigeria

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head-on were not known in the country's past democratic experiments. Although the success of the election was a collective responsibility of various actors, CSOs' efforts in the exercise revealed their doggedness and steadfastness in the promotion of democracy.

For us to understand such roles, it is pertinent to understand the electoral process as a continuum involving remote and immediate interventions from pre-election, election and post-election activities. Ya'u (2015) identifies six areas in which CSOs in Nigeria have provided a significant input that resulted in the good conduct of the election: First, the setting up of the agenda for electoral reform through sustained advocacy for it. Second is the observation of the preparatory stages of the elections. Third is working with INEC to provide constant oversight of the electoral umpire. Fourth is the voter education and sensitisation campaign for peaceful election. Fifth is safeguarding the independence of the Election Management Body (EMB) and sixth is their role in the actual observation of the election with the deployment of various election monitoring mechanisms.

It would be recalled that CSOs were instrumental in the setting up of the Uwais Panel that paved the way for significant electoral reforms after the 2007 elections. They were able to achieve this goal through constant advocacy and prodding the government on the urgent need to reform the electoral process and check the excesses of political parties and other actors that could thwart any efforts towards achieving a credible election in the country. Even when the government delayed the passage of the bill on the recommendations of the Electoral Reform Committee (ERC), the CSOs were able to prompt further agitation for the passage of some of the recommendations contained in the bill. The Electoral Reform Network spearheaded the demand for the swift passage of the bill, which is a coalition of over 100 civic associations dedicated to the reform of Nigeria's electoral system. Not only was the network able to influence the passage of the Electoral Act (2010), it also sensitised the general public and the National Assembly on the urgent need to reform the electoral system and the Constitution.

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Indeed, the CSOs facilitated greater understanding through establishing an interface between INEC and other stakeholders–the media, political parties and civil society. With particular reference to political parties, in particular their campaign activities, the Political Parties' Code of Conduct (2013) asserts that "No political party or its candidate shall during campaign resort to the use of inflammatory language, provocative actions, images, or manifestation that incite violence, hatred, contempt or intimidation against another party or candidate or any group of persons on grounds of ethnicity, gender or for any other reasons". Contrary to this provision, at the high point of the 2015 electioneering campaign political parties in the country went wayward employing dangerous and highly inflammatory language in castigating opposition parties and candidates. CSOs found this gesture not only a signpost of democratic reversals but also a matter of urgent concern for the peaceful conduct of the election. What came out as the response of the civil society was the massive campaigns against violence and hate speech through various platforms of engagement, which included but were not limited to seminars, workshops, roundtables, conferences, publications and the distribution of handbills, setting up bill boards on election and peace building at strategic locations of major towns and cities in the country, etc.

In order to get political actors to agree to some peaceful contest in line with the provisions of relevant electoral laws and the Constitution, the CSOs spearheaded contacts that eventually yielded in the famous Abuja Peace Accord. They were able to enlist the support of local and international statesmen like the former UN Secretary-General, Kofi Annan, who further brought the CSOs concern to global attention. This was later reinforced with the intervention of the US government through its Secretary of State, John Kerry. The latter was in Nigeria and met with the two leading presidential candidates of the PDP and APC on the need to abide by the Abuja Peace Accord signed on January 14, 2015 by political parties with the aim of preventing violence in the 2015 election. Another peace accord on the insistence of the National Peace Committee led by the former military Head of State, Abdulsalami Abubakar, was also signed in March 2015 less than 48 hours to the

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Presidential and National Assembly elections. The Civil Society Situation Room also endorsed the Accord. Although the Accord did not fundamentally change the character and pattern of the flurry of attacks in the electioneering campaigns, it undoubtedly changed the usual reaction of winners and losers in Nigeria's election. The telephone chat congratulating Muhammadu Buhari's victory at the poll by President Jonathan was seen in fulfilment of the commitment to the peace accord. It was a grand novelty in Nigerian politics, which also guided the actions of those candidates, who contested in the gubernatorial elections that followed (Ya'u, 2015).

Central to the CSOs contribution to the electoral process was the establishment of a broad-based national coalition for monitoring elections. Here too, since 1999, the Transition Monitoring Group (TMG), a coalition of 260 CSOs has been observing all state and national elections in order to address the lingering experience of flawed elections that have hindered the progress of democracy in the country. The TMG is by any standard the country's largest election observation and civic education coalition. It is premised on the notion that a nationwide network of member organisations is capable of monitoring the election and ensures that leadership recruitment is transparent, fair and reflects the mandate of the people.

It is important to note that the environment of the Nigerian electoral process is very vast and the challenges in it are necessarily associated with each phase of the electoral process. The conduct and monitoring of election is one of the critical challenges CSOs faced, largely because of the diversity of the country and election volatility of some parts of the country. The challenges of monitoring election are very apparent considering the resource base of the CSOs and their capacity to professionally handle the unpredictable outcomes of the exercise. Indeed, observing an election involves monitoring the conduct of INEC officials, political parties, security officials and the electorate, among other actors. However, what is more sensitive and requires a serious caution to handle in the exercise are the results of the election. In Nigeria, election results are manipulated halfway in the course of the election or at the point of announcing the results. Most of the incidents of electoral fraud are normally

perpetrated with the support of election officials and the security personnel at the polling or collation centres. The CSOs under the umbrella of the TMG were able to demonstrate a high sense of organisational capacity and commitment to discharge their mandate with high-tech skills to ease difficulties. They succeeded in handling the huge task of monitoring the election with quick outreach nationwide through three closely related election observation projects – the Quick Count (QC), the Content Aggregation System for Election (CASE) and the Situation Room (Ya'u, 2015).

For the first time in Nigeria's history, the group was able to launch the globally-tested Quick Count (QC) during the 2011 election and the success of that experiment led to the further deployment of the system to observe the presidential election in Nigeria in March 2015. Sixteen (16) out of the twenty nine (29) gubernatorial elections held in the year were also monitored with the QC. Using the Quick Count or Swift Count Project, data collected by citizen observers at polling centres were used to verify the official results and access the quality of the process. The architecture of the CASE and its ancillary tool, a Social Media Tracking Centre (SMTC), was the Abuja-based Yar'adua Centre. As a tool of election monitoring the CASE, which was designed and developed in partnership with over 18 other organisations, enabled observers to directly send their reports, which are then collected and collated independently to verify the official INEC results. Indeed, the CASE was able to aggregate, with the support of the SMTC, approximately 2.6 million relevant reports in real terms during the 2015 general election and the project was able to identify more than 1,500 unique incidents and shared the information with INEC and security agencies (Shehu Musa Yar'adua Foundation, 2015).

The Nigeria Civil Society Situation Room, better known as the 'Situation Room' is a coalition of more than 60 civic groups in support of credible elections. Included in this platform are the most visible CSOs, such as the Policy and Legal Advocacy Centre (PLAC), the CLEEN Foundation, the Action Aid Nigeria, the Centre for Democracy and Development (CDD), Wangonet, the Partners for Electoral Reform, the Justice Development and Peace

Commission (JDPC), the Youth Initiative for Advocacy, Growth and Advancement (YIAGA), the Institute for Human Rights and Humanitarian Law (HURILAW), the "Enough is Enough Nigeria" (EIE), the Centre for Information Technology and Development (CITAD) and CISLAC. The Situation Room collected on-the-spot information about the conduct of the election from observers of its member organisations. Apart from the general Situation Room, there were others set up by other individual organisation, such as the CDD. In all, it has been said that the CSOs that uploaded data using the CASE platform were able to deploy about 9,919 field observers across the country (Ya'u, 2015).

Arguably, it can be said that CSOs playing a role in the Nigeria's democratisation period represent a myriad of interests. This is because not every civic association represented the entrenchment of the common good offered by democracy. Some CSOs are accomplices to the intricate neo-patrimonial relationship that often characterises competitive elections in developing societies. Therefore, in Nigeria, apart from the organised CSOs whose platforms of engagement in the electoral process was informed by their conscious belief that democracy in the country could be made possible through the active participation of citizens to determine their choice and contribute positively to the decision making process, there were also those that have focus on specific interests. These interests could be materialistic, class-based or informed by primordial concerns. This category of CSOs is mainly state-founded, financed and tailored to meet the objectives of the ruling class or their particularistic material interests.

Opportunists as they seemed, this category of CSOs sometimes used either the existing social institutions, such as religious-based associations or pan-ethnic groups, for the support of the ruling party in return for pay-offs or hide under the pretension of national unity to galvanize gullible citizens to accept their political faith. Such associations are civil society organisations with uncivil attitudes and culture that could torpedo the electoral process indirectly. The alleged N7 billion given to the Christian Association of Nigeria (CAN) to solicit for the endorsement of Jonathan's presidential

ticket and the N5 billion used to induce the Ohaneze Ndi Igbo following its earlier position to call its members not to support President Jonathan's bid for re-election and the sponsored Transformation Ambassadors of Nigeria (TAN) are examples of CSOs that fall under this category.

Other renowned CSOs that are either disruptive or separatist in their agenda did not play any instrumental role in the electoral process. Included in this category are the Asari Dokubo led Niger Delta Peoples Volunteer Force (NDPVF), Tompolo's Movement for the Emancipation of the Niger Delta (MEND) and Nnamdi Kanu's Indigenous Peoples of Biafra (IPOB). While the first two organisations were very much concerned about the future of their rent seeking relationship with the Jonathan administration and vowed to cause untold repercussions should Jonathan not return as president or anything injurious happen to him, the latter group was not only renewing its campaign of the independent state of Biafra but also threatened to prepare for a final showdown if the candidate of the APC won the election. Therefore, it can be said that CSOs with separatist agenda did not give any credence to the electoral process. Their major stand was civil disobedience in an apparent disregard of the rule of law. In short, they did not participate in the electoral process and even where they played a role, that role was pre-determined to cause violence against APC supporters. In Rivers State, Niger Delta militants were outrightly in support of the PDP; they prevented the smooth conduct of election by scaring APC's supporters and INEC ad-hoc staff away from the polling centres as they did during the electioneering campaign when they disrupted the APC rally at the Adoakie Amesimaka Stadium. It was as a result of their violent activities that Rivers State became the theatre of war and 'rivers of blood' during the 2015 elections.

Thus, it is important to note that organised, formal and professional CSOs played a significant role in the electoral process because of their active participation in the exercise through coalition building and the election monitoring mechanism. Their outreach was felt throughout the country with the support of international agencies.

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However, there are various challenges in the discharge of their roles as active stakeholders in the electoral process.

First, access to international support for many of them meant that only CSOs with structures and formal organisational settings contributed actively. Other CSOs with no global links played a pedestrian role in their own right and based on their available resources. CSOs that fall into this category include: clubs, community development associations and women organisations with no nationwide spread. They are mostly state-based, community-based or locally-based and bound.

Second, there was also the paucity of the presence of the formal CSOs outside of major cities and Abuja. Although the outreach of the TMG during the election monitoring was commendable, its activities in the Situation Room were mainly located in Abuja and Lagos. Therefore, it is not out of place to argue that a number of the visible CSOs are still mainly located in the Federal Capital Territory (FCT).

Third, there was the problem of effective coordination largely because of logistic problems associated with the monitoring of election. The country is diverse and the resources available to reach out to all the nooks and crannies of towns and cities were basically impossible. Hence, election observers preferred to monitor elections in cities not the villages and remote areas of the country. As a result, they knew little of what happened there.

Fourthly, there was the issue of insecurity of monitoring personnel, especially in the epicentres of the electoral conflicts or violent militant activities like in the North-east.

Political Parties and the Electoral Process
A political party is an organisation of the like-minded individuals that seek power in a competitive election. This implies that a political party "is an organisation of individuals who share common interest in the way a political system is supposed to be governed and decide to organise under one political association in order to acquire

and wrestle power with the sole aim of translating its principles into policy making" (Mohammed, 2015:2).   During the election that preceded that of the 2015, a total of fifty (50) political parties were registered. However, INEC de-registered some political parties and registered new ones, bringing the total of political parties that contested the 2015 general elections to twenty six (26).

The cockpit of democracy lies in the maturity or otherwise of political parties. Where democracy survives and its political virtues or what in Nigerian parlance is referred to as the "dividend of democracy" positively affect the lives of the people, it is because the political parties translate their promises into policy action. Indeed, as the bedrock of democracy, political parties perform different functions, ranging from interest aggregation and articulation, political education, mobilisation and leadership training to providing the most acceptable means of representation and democratic change. Thus, the role that the political parties are expected to play in a democracy is instrumental. Political parties are literally system maintainers because of their contributions to the process of democratic consolidation. However, the experience of party politics since independence provides insightful understanding of the ironies of Nigeria's democratic process.

Comparable to CSOs, political parties in Nigeria are less institutionalised and systematically become a ladder for ascension to coveted public office. In fact, the Electoral Reform Committee (cited in Alli, 2015) considered political parties in Nigeria as the least developed democratic institutions in the country. They exhibit a mindless display of undemocratic practices during the electoral cycle, which retards rather than help develop the electoral process. Since the return of democracy in 1999, power politics in the country has been inundated with electoral rigging, ballot paper snatching and the relegation of internal party democracy to the background, ethnic and class politics as well as dangerous political violence. This experience has not fundamentally changed during the 2015 election, except in its magnitude and scale. Consequently, political parties have remained the weakest link in the chain of the institutions of democracy that would provide an effective development of

democracy through competitive elections. Their contribution to the electoral process in the 2015 elections was marred by not only their failure to adhere strictly to the existing laws that guide their actions but also the attitudes of their members. This is a strong indication of parties' weak institutional and attitudinal practices that were manifested in their activities.

To a great extent, the effectiveness of political parties in the electoral process is a function of many factors but the one that is most easily noticeable in the period of democratisation is the degree of party internal democracy. This is followed by the behaviour of their members within the organisation of the party and outside it. Literally, democracy thrives based on people's choice and their influence on public policy making. Where such culture does not exist or is toyed with for group or individual expediency, the result tears apart the people's power to decide *ab initio* who should get their mandate. Internal democracy is compatible with laying a good foundation of the electoral process because it provides the basis of tolerance, credibility and the possibility of political compromise when general elections are held.

In the build-up to the 2015 general elections, political parties conducted party primaries at state and national levels to determine their flag-bearers for the presidential, gubernatorial, national and state assemblies. Political executives or the 'political godfathers' determined most of the decisions taken during these vital exercises. In some cases, nomination forms were not sold to members because personal interest overrode any other consideration. Thus, whether or not the electoral body monitored party congresses was not a matter of concern to many political parties. Worse still, the Electoral Act 2010 also compounded the situation by stressing that whichever candidate is presented to the INEC by a party cannot be rejected or disqualified for any reason (Jega, 2013). As a result, most of the parties at least sent in candidates that were either contested, had lost at the primaries or did not even participate in the process at all. This was the case in September 2014 when the PDP held its national convention and literally nipped in the bud the ambition of any interested contestants of the party presidential primaries when the

party's national executive council endorsed President Goodluck Jonathan. The party only printed one nomination form for its preferred candidate and his name was submitted to INEC on the grounds that the party's decision was supreme (Lamidi, 2015). Though the APC had succeeded in producing its presidential candidate from its refined convention in Lagos, at the state level there was not much difference between the party and the PDP on issues of internal democracy.

The dominance of political parties by godfathers was manifested in the rascality of such personalities in the determination of the choice of candidates in their parties across states. At the state level, most of the Governors that finished their tenures anointed their successors without due regard to internal party democracy. In cases where political party conventions really took place, delegates were selected by the state Governors and secretly kept the list to their chests until barely a few days to the exercise (Alli, 2015). This had resulted in parallel elections by different factions of political parties, as was the case in the Anambra State chapter of the PDP when an aggrieved faction of the party restricted the submission of candidate names to INEC barely a week to the general election (Lamidi, 2015:196). In Rivers State, as in Kano, the chief executives of the states hand-picked the APC gubernatorial candidates. This state of affairs could be regarded as a bad signal to the successful conduct of general elections as party supporters and the electorate had no 'collective ownership' of candidates. This is a phenomenon that always prompts the high defection of members to another political party as intra-party schisms, rancour and even political violence constitute the inherent features of such parties. In this way, political parties did not positively support the electoral process but rather spotted it with dents and cracks before the general election.

Inter-party competition for power was characterised by the employment of a large-scale defamation of the personality of candidates in what can be regarded as a politicians-go-crazy attitude. As earlier noted, the enabling laws prohibited hate speech, character assassination and the use of labels that could cause displeasure, disunity and violence. The whole conundrum started when each of

the two rival parties called each other the chief architect of the *Boko Haram* insurgency. Then came to a point where the PDP called the APC a *Janjaweed* party, while the former called the latter insensitive and an accomplice to the mayhem of the Islamic group. The inflammatory speech then gravitated around the personalities of the two major contestants to the presidential election, President Goodluck Jonathan and Muhammadu Buhari. Party spokespersons of each of the contestants took the character assassination game to a level hitherto unknown in the history of Nigeria's electoral process. This explains why electioneering campaigns in the build-up to the election deviated from issues, thereby making political parties incapable of offering the electorate issue-based competing options on how best to overcome national despair and improve the welfare of the people. Even the presidential candidate of the PDP had, during the party's campaign rally in Enugu on January 9, 2015, remarked in a sarcastic tone that the APC presidential candidate could not remember his mobile phone number. Again, Jonathan described the opposition presidential candidate as a half-dead man (Gambo and Ribadu, 2015), reiterating the Ekiti State Governor's reverberated words that the presidential candidate of the APC was a dead man and people should not vote for a dead person. In some cases, the traditional politics of ethnicity held sway and the political parties employed various forms of sentiments against their political opponents and exploited the same approach in order to make their chances of winning election bright.

By far the sources and quantum of the campaign finances of political parties in Nigeria have always been a dust raiser about the extent of party compliance with statutory campaign limits (Ukase, 2015; Adetunla and Adeji, 2009). The Electoral Act (2010) put the spending limit of presidential and governorship candidates at N500 million and N100 million respectively, while candidates vying for the position of Senate and House of Representatives are to spend N20 and 10 million, respectively. However, the 2015 electioneering campaign was characterised by mindless spending from sources that were not known to the public. In one fell swoop during its fund-raising dinner, the ruling party alone was able to raise N21 billion campaign funds, which violated the electoral law because most of

this amount was raised from public funds and patronage from political entrepreneurs whose names were not made public. In a report released after the 2015 election, the Centre for Social Justice (CJS) had alleged that the PDP and the APC jointly spent almost N12 billion. The report also noted that while the PDP spent N8.7 billion or 82 percent over the official spending limit, the APC spent 2.9 billion, representing 20 percent of the total amount pegged for campaign spending (*The Guardian,* November 09, 2015). In print media advertisement alone, Ukase (2015) pointed out that at the high point of the electioneering campaign, up to the February 14, 2015 the PDP and APC alone spent N1.382 billion.

The recent investigation into the spending of a $2.1billion arms scandal is a testimony to some of the allegations of the misuse of public funds and the vote buying techniques of the PDP in the build-up to the 2015 general elections. In fact, when asked about the issue, particularly the alleged N260 million he received from the former National Chief Security Adviser, a former Chairman of the Board of Trustees (BoT) of the PDP, Tony Anenih confessed to have collected the money and spent it for the campaign of the President Goodluck and not his personal use (*Vanguard*, January 17, 2016). Other PDP members who were alleged to have benefited from the largesse further corroborated Anenih's position.

In his response to the question on why he collected N53 million from Anenih, Alhaji Tanko Yakasai, one of the party's stalwarts, asserts "Yes, myself and 8 others collected N53 million from Chief Tony Anenih to pay advocacy visits to prominent Northern emirs *to mobilise their subjects for a hitch-free 2015 general elections*" (Emphasis added, quoted in *Vanguard* January 6, 2016). It was quite clear that in the build-up to the election, particularly when the PDP became convinced that power could slip away from it because of the growing popularity of the APC, especially after the postponement of the general election from the initial date of 14 - 28 February to the final date of 28 March and 11 April, 2015, the party deployed massively its arsenal on campaigns with resources coming from various sources in order to buy votes.

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Indeed, against the background of the growing opposition to the ruling party, the politics of vendetta and the clampdown of opposition party supporters were also recorded. Thus, contrary to the provision of the Political Parties' Code of Conduct (2013), which calls for parties and their candidates to direct their supporters not to remove or destroy the posters and other campaigns materials of other parties, state executives in grip of party actions prevented the opposition from buying air time to campaign in state media houses. In Rivers, Kano, Jigawa and Ondo states opposition parties had a running battle with party supporters or the state-sponsored security outfits to mount their billboards or hoist their flags while in others permission to hold rallies were denied on the orders of the chief executives.

Some media houses were also discriminatory in their relationship with some parties because of their partisanship. The National Television Authority (NTA) and the Federal Radio Corporation of Nigeria (FRCN) were not neutral in the growing war of political hatred and overcharging the already boiling political atmosphere. They danced to the tune of their principals and aired slots of campaigns of the ruling party, while private media organisations whose survival depends on patronage from the state or whose owners were members of a political party had a field day determining their preference. For example, it was very clear that Daar Communication's African Independent Television (AIT) and Ray Power FM were unfair to the opposition APC because their owners were PDP party chieftains. The *News* and *PM News* favoured the national leader of the APC, Bola Ahmed Tinubu. In either case, hate campaign messages and documentaries on important political figures were aired, televised or reported.

The shrinking in the number of women contestants is another weakness of political parties in the 2015 elections, which contributed to narrowing the scope of participation of a social group in the democratic process (Akpan, 2015). In an increasingly male-dominated political scene and highly patriarchal society like Nigeria, women's active engagement in politics is viewed with negative stereotypes, especially in view of the fact that money, time and

energy are dedicated in political meetings, party campaigns and excessive political brinkmanship. Indeed, fewer number of women contested election in 2015 than in 2011 when over 800 women contested for various offices. In the 29 states where gubernatorial elections were held in 2015 election, the representation of women vying for the offices of Governor and Deputy Governor stood at 87 out of the 380 candidates, representing 22.9 percent seeking for the positions. The only female in the country who contested in the 2015 gubernatorial election seat and came close to winning was Mrs. Aisha Jumai Alhassan in Taraba State. For senatorial seats, 122 women out of 747 candidates representing 16 percent were cleared by INEC to run the March 28 election. In contrast, there is nothing to write home about in the contest for the lower chamber. There were only two hundred and sixty-seven (267) women out of a total 1774 candidates who ran for seats at the House of Representatives, representing 15 percent (Sogbesan, 2015). What these figures tell us is the relative deficit of women in Nigerian politics, a phenomenon that has trailed Nigeria's democracy for a long time but only to manifest itself glaringly in the 2015 elections. In this regard, it can be said that the election was unique in Nigerian politics because it showcased a flagrant reduction in the democratic space of womenfolk largely because of political subordination, *godfatherism*, cultural practices, money politics and the parochial nature of Nigerian politics (Nuruddeen, 2015).

During the actual preparations for the election, political parties were lukewarm and failed to understand their role as mobilisers and providers of political education, a role which only INEC, the CSOs and the media were able to discharge effectively. At the initial phase of the electoral process, which began with voter registration and verification using Direct Data Capture machines (DDC), political parties, whose stake in mobilising voters is expected to be very high, indeed higher than the electoral umpire, did little, if any, to galvanise campaign via media outlets to prompt prospective electorate to register. This role was carried out by INEC and CSOs with the support of their international donors such as the United Nations Development Programme (UNDP), the United States Agency for International Development (USAID), the Open Society

Initiative for West Africa (OSIWA) and the National Endowment for Democracy (NED), among other stakeholders. The major concerns of the parties was how to stop one of the best reforms of INEC, that is, the use of an electronic register and, later, the deployment of Card Reader machines. Thus, when it became apparent that INEC had the overwhelming support of the civil society to use the new devices in the 2015 election, the political parties, particularly the PDP, were vehement in opposing the idea, using false impression that the electoral body was all out to disenfranchise Nigerians with the new instruments.

Finally, when it became absolutely clear that the Card Reader would be used, the political parties resorted to a new form of rigging as the Permanent Voters' Cards (PVC) of prospective electorate were purchased by them in order to literally deny them voting. Electoral rigging in the 2015 election was really made difficult with the use of the Card Reader. Yet, some political parties were able to discover another rigging technique of buying and stockpiling PVCs before and during the conduct of the election. It was at this point that the APC pronounced that should the general election be rigged, the party would form a parallel government (*Vanguard*, August 06, 2014). Party agents with the active connivance of INEC ad-hoc staff or party loyalists also used bought card readers for multiple voting.

Despite all the institutional lapses identified with political parties in the electoral process in the 2015 general elections, it can be said that they can excel and build a mature political environment in so far they are ready to open up and embrace change in their attitude and politics of bitterness. With the compromise that was expressed in the peace accord and the congratulatory message extended by the loser to the winner of the presidential election, a tolerable level of political game was devised. To some extent, this explained the reason why there was no serious electoral violence similar to the one that trailed the 2011 election. Politicians should learn to abide by the relevant electoral laws and play politics with national development at heart. The utterances of some party officials like Orubebe's tantrum during the announcement of the election results and the inflammatory statements of some party loyalists holding executive

office is an indication of attitudinal shortcomings in Nigerian politics. It is not yet time to celebrate Nigerian democracy from the experience of the 2015 election except for its successful change of government from the ruling to the opposition party. Traces of business-as-usual were observed in the election but all these can be effectively checked when politicians, political parties and the electorate are ready to imbibe the culture of political decorum, accountability and compromise.

Conclusion

The role of CSOs and political parties in Nigeria's electoral process with a specific focus on the 2015 general elections brings forth three major related postulations. First, for the civil society to continue to play a significant role in the next electoral cycle in 2019, it should first and foremost consolidate on its gains and start in earnest stocktaking its weaknesses and prepare towards the next process. It is intriguing to note that Attahiru Jega's leadership of INEC had started some pertinent reforms of the Commission and CSOs are supposed to continue to work with the electoral body in order to map out areas of continuous reform with a view to addressing some of the identified lapses in the 2015 elections. Second, Electoral Reforms and the enactment of other enabling laws on elections should be a continuous process. CSOs are expected to put pressure continuously on the state to prompt it to consolidate areas of success in the electoral process with a view to correcting the weaknesses experienced during the last process. This requires steadfastness and consistent whistle-blowing, advocacy and constructive engagement. Third, CSOs should also devise an independent source of a support system to avoid heavy dependence on international assistance for the promotion of democracy in the country. This is to ensure a systematic approach to election observation, in particular, and improvement in the discharge of the expected mandate of CSOs, in general.

In sum, CSOs need to see political parties taking their coveted roles satisfactorily and vice versa. They should work as institutions and as actors for the overall interest of democracy and its development. In this regard, for political parties to fall under the purview of matured

democratic institutions, they should abide by the rules of the political game, their code of conduct and provisions of the Electoral Act (2010) and the Constitution. The experience of the 2015 electoral process indicates that it is not yet a matter of euphoria, as political parties are still not deeply institutionalised. Internal democracy is in a serious deficit in them. Their proclivity to generate cyclical and systemic violence is still of concern and the ability to work assiduously towards locating their support from the people is still a semblance of a cup that is half full.

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CHAPTER NINE

Civil Society and the Fight against Corruption in the Era of the 'Change Mantra' in Nigeria[1]

Introduction

The act of corruption knows no bounds, as its latitude extends beyond the territorial confines of Africa, Asia and Latin American states to include, though with less frequency but high sophistication, countries of Europe and North America. The phenomenon is more prevalent in societies with weak and less institutionalised public and private sphere of activities. In Nigeria, as in some other African states, the prevalence of corruption among public officers has caught the attention of scholars. Various analytical perspectives explain why public accountability and transparency get the back seat in the conduct of public officers, as corrupt practices impair negatively the process of building robust democratic institutions. Regardless of any prejudice to any extrapolation about the causes of corruption, Nigeria in particular has been regarded as one of the most corrupt countries in the world. Internationally, the Transparency International (IT) has for a long time rated the country, in its Corruption Perception Index (CPI), as the second most corrupt country in the world after Bangladesh. Subsequent IT ratings of the country, though slightly better, were not remarkably different. Recently, the immediate past British Prime Minister satirically described the country as "fantastically corrupt" (cited in Paden, 2016:196), a labelling that can be equated with that of Smith (2007: 90-92), who, in his own metaphor, opined that Nigerians were "notoriously corrupt" and also "hopelessly corrupt". In fact, Matthew Page in a recent research report described Nigeria's pitiable corrupt profile as "one of the world's most complex corruption environments – with conditions in other countries"

(2018:2). Views such as these about Nigeria and her "people", as swift as they might be, are no longer news largely because, as Ribadu (2005:14) aptly summed it up, of "the action of leaders and inaction of followers, corruption seems to have become the Nigerian 'original sin', omnipresent, all-encompassing". This explains why the Nigerian case has become not only a matter of concern among development experts but also of a discourse in its own right among scholars.

The impact of corruption on national development can be understood from two closely related paradoxes. First, Nigeria, a resourcefully endowed nation, is sadly the poorest oil-rich country in the world. Therefore, the story of the Nigerian state is an archetypical case of an "incredible paradox" (ASUU, 2018). Second, as Okonjo-Iweala (2018) noted in her recent book, *Fighting Corruption is Dangerous: The Story Behind the Headlines*, corruption causes a bad name for Nigeria, being the most populous country in Africa. Ironically, she argued that the act of corruption is perpetrated by a small percentage of the country's population, thereby creating a situation in which a few Nigerians create a bad image for the greatest majority of citizens. This situation accounts for the reason why an opinion poll conducted by *The Guardian* in 2017 found out that 70 percent of the respondents indicated corruption as one of the worst challenges that have negatively affected the country's development processes (cited in Ukase and Audu, 2015).

Thus, the change of leadership through the democratic process from a ruling political party that was perceived as the archetype of corruption to a party that promised Nigerians a change with a special focus on fighting corruption was regarded as a revolution of some kind that brought a big sigh of relief from the national calamity and international embarrassment that ugly phenomenon has caused the nation.

Therefore, the outcome of the 2015 general elections in Nigeria, which saw the electoral victory of the opposition party, the All

Progressives Congress (APC), over the ruling People's Democratic Party (PDP), was received with excitement. Two major reasons accounted for the euphoria that greeted the new administration. Firstly, there was a great expectation from the civil society that the return to civilian rule after decades of military authoritarian rule in 1999 would be a new dawn for the country (Ukase and Audu, 2015). It was thought that the new civilian regime would change the architecture of governance and administration, carry the society along, do away with all the vestiges of the authoritarianism and initiate policies that would eventually put to end the cancer of poverty, corruption and the deplorable condition of social services, which for many years have stunted the process of development.

Contrary to these expectations, the crisis of under-development has created disillusionment and rising expectations among a broad spectrum of the Nigerian society. This was in the face of a continuous increase in the yawning gap between the rich and the poor, which raises a lot of questions about the ability of the civilian government to provide what is regarded as the dividends of democracy after the nauseating years of military authoritarian rule. Secondly, the sixteen years of civilian rule (1999-2015) did not change the culture of public officers. Put differently, as corruption exists in every aspects of personal and private life in the country, it is also endemic among public officers and politicians. Thus, on the one hand, while elected public officers continue to display the undemocratic attitudes and glaring abuse of the public trust reposed in them through neo-patrimonial networks, the civil society, on the other hand, has continued to wallow in poverty and fears that corruption, which has been institutionalised over the years, is likely to undermine the capacity of the Nigerian state to engender national development. It was against this backdrop that the civil society and the enabling civic associations reacted by prodding the state against the ceaseless corrupt practices that permeated the country.

This chapter recognises that the role played by the Nigerian civil society in the fight against corruption differs, depending on the organisational platforms of each of its sectors and the degree of political education or the space it occupies in the country's social

cleavages and political economy. In all, the chapter focuses on the instrumental role of the organised civil society in the fight against corruption since the change of government from the ruling PDP to the opposition APC in 2015. In examining the central thesis of the chapter scientifically, given the fact that the issues raised and analysed are ongoing, the chapter utilised documentary sources of data with content analysis as the main technique for studying documents and developing replicable and valid inferences. Quantitative data from academic discourses on civil society, corruption and political development were complemented with existing data from magazines, newspapers, reports and press conferences. These were systematically evaluated and content-analysed after determining the authenticity of their sources through the process of inter-subjectivity.

The chapter is divided into seven sections. Section One is the introduction. Section Two conceptualises corruption and civil society while also developing a theoretical framework that guides the analysis of corruption among public officials and role of Civil Society Organisations (CSOs) in the anti-corruption fight. Section Three examines the nature of the Nigerian state's response to corrupt practices in a historical perspective. This is in order to provide the gateway to understanding the successes or otherwise of policies on corruption within the context of regime type. Section Four highlights the mechanisms used by the Nigerian state in fighting corruption since 2015. Section Five identifies the role of civil society in combating corruption in the era of the change mantra. In Section Six, the chapter examines the strategies, successes, pitfalls and prospects of civil society reaction to the state in respect to the fight against corruption as the cardinal policy of the regime of change since its assumption of office. Finally, Section seven concludes the chapter.

Corruption and the Role of Civil Society—Conceptual and Theoretical Frameworks

Though its degrees and forms vary, corruption is a universal phenomenon (Mulinge and Lesetedi, 2002). As a global concept, it has many faces. It is a sociological concept which arises from social

interactions in complex societies, but has economic, political and even legal and moral constructs. Therefore, because of its multifaceted nature, corruption is very difficult to define with exactness, as, to use Nye's (1967:419) words, "it covers a wide range of behaviour from venality to ideological erosion". The problem of definition has been further compounded by the fact that, as a behavioural concept, it is regarded as a relative, amorphous and satirically utilised concept by its users to abhor a behavioural tendency system. Definitions and applications of the concept of corruption also change with time (Briggs and Bolanta, 1992). In general terms, corruption is the misuse of a public office of trust for private gain. This is to suggest that some actions that can be regarded as corrupt may not necessarily be considered so in law, even though they may be antithetical to normal ethical conventions.

The focus of this chapter is public corruption, which is an aspect of the general concept of political corruption. As Briggs and Bolanta (1992:568) aptly captured it, on political grounds, "corruption concerns the illegal pursuit or misuse of public office". This definition is not meant to neglect the other faces of corruption, such as vote-buying, special favours to relatives (nepotism), pay-offs in a position of public trust, gifts to public officials or any relationship that involves misappropriating public funds. Rather, while these forms of corruption are important in our understanding of its trends, especially in Nigeria, our focus in this chapter is on corruption by political office holders and bureaucrats, a mode of corruption which has not only stigmatised the image of the country but also creates a psychological condition in which everyone in the country holding public office is suspiciously perceived as corrupt. Thus, one can subscribe to the narrower operational definition of corruption proffered by Nye (1967:419) that "corruption is a behaviour which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against influence". This definition covers odd behaviours, such as bribery, theft, undue favours to personal acquaintances, nepotism and the embezzlement or misappropriation of public funds.

Arguably, while subscribing to Nye's definition of corruption and its "costs", this chapter sharply disagrees with him on its "benefits". This is because over the years the act of corruption has further widened the gap between the rich and the poor in Nigeria, besides its profound impact in truncating the process of national development. Therefore, the notion which says corruption has its own "benefits" in some industrial societies, as Nye (1967) conceived, has no place in our understanding and utilisation of the concept in Nigeria. In the latter, the phenomenon of corruption in public spheres of interaction can best be identified with a political class represented in the country's petty bourgeoisies, who milk the resources of the country at the expense of the majority (Page, 2018, Okonjo-Iweala, 2018). Clearly, a better understanding of corruption cannot be complete without a premise, which sees its perpetrators as predators. Using Barrington Moore's (1978) famous thesis on "predatory elites", our understanding of a grand conspiracy by political elites who perpetrate executive corruption is amplified.

Moore argued that a few parasitic political elites constitute themselves as predators, as they plunder the resources of the society for personal enrichment. In the process of generating prosperity for themselves, they are invariably producing a degree of poverty otherwise unwarranted in that specific society. Contextually, the predator elites in Nigeria are public servants, who occupy public positions, but not necessarily in the high echelons in public service. They could be elected or politically appointed and with their appendages siphon public resources by virtue of their offices. Such include politicians or military officers, who, by their access to the corridors of power or affiliation with those in government, get involved in the unscrupulous acts of graft, either in form of bribery to get contracts or other dubious practices, leading to the misappropriation of public funds for their selfish interests. Included in this definition are opportunists, who, despite not directly holding power, receive patronage from those in position of authority and siphon public wealth. These are perpetrators of corrupt practices and accomplices to it.

This implies that applying this theory to Nigeria's experience of corrupt practices since independence will suggest that corruption in public service is essentially an elite affair. Instead of addressing the scourge, the administration that came after the return to civilian rule in 1999 "reopened the floodgate of elite corruption" (Ojukwu and Shopeju, 2010: 15). Since then, successive civilian regimes have had to grapple with the culture of elite corruption. In fact, it is widely believed that from 1999 to 2015 corrupt practices by the country's public officials rose exponentially, notwithstanding the existence of anti-graft institutions and laws meant to check the menace.

A privileged class with access to public resources tends to manipulate the state apparatus to misappropriate public funds and also cover up their corrupt practices. With the rise in oil revenue since the 1970s and deficits in leadership that would engender good democratic governance, corruption derives from and has its existence in the socio-political and economic system that encourages materialism, neo-patrimonialism and an insatiable quest for enrichment among successive Nigerian public officials. A handful of political class members that know almost nothing about collective public good has generated collateral damage by earning the country a brand name of corruption. Corruption is said to have permeated the Nigerian society horizontally and vertically because the "predatory elites" have perpetrated it in the society. This explains why the act of corruption, in both military and civilian regimes, is structural and its dialectics gravitates from the centre and extends to the wider society (Diamond, 1991).

Being a structural problem anchored in an ideology of primitive capitalist accumulation, "which promotes and maintains the well-being of a few at the expense of the majority" (Briggs and Bolanta, 1992:586), corruption has its class character. This is evident in that, as an organic system, it is symptomatic of the loss of integrity, moral conscience and patriotism. Similarly, regardless of social, political and economic divides, corrupt public officials are "conscious" of their class interest to the extent of uniting to safeguard this interest against the decency of the society in which they live. A change in government and leadership does not mean

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much to "predator elites". During the military regimes, such predator elites came into power through the barrel of a gun. They invoked rampant corruption among public officials as one of the pretexts of overthrowing the same military regime or duly constituted civilian governments only to become notorious in perpetrating corrupt practices. In cases where general elections gave way to new administrations at state and national levels, the change of government was not enough to change the corrupt practices associated with public officers. Usually, such a change of government was as a result of the financial support of the predator elites, who either jealously guarded their interests or continued with the looting of the state treasury or make anti-corruption policies of the government difficult to implement. In most cases, their incentive to loot is informed by the character of politics in the country, which, as Diamond (1991:81) pointed out, "offers a low-risk path to easy riches through political corruption".

The central question to ask is, in a system where the decency of a society is sacrificed at the expense of the comfort of a few parasitic predator elites, what would be the reaction of the very segment of that society that is well informed, organised and possesses formidable platforms of social mobilisation? This question brings us to the role of society in the fight against corruption. This role can be discussed within the context of the ongoing democratisation process. It is within the context of the role of this sector of the society that the future of Nigeria's democracy is assured (Okoye, 2000; Mohammed, 2002). Diamond (1997) provided a far-reaching analysis of the role of civil society in fighting corruption and in the democratisation process in general. He begins his discourse by rejecting the notion held by elite theorists that 'consensually unified elite' can provide all the necessary political impetus for democratic consolidation. While agreeing that political elites do provide a profound, if not pre-eminent, impact on democratisation, he noted that the 'mass public' provide a pivotal role for democratisation during and beyond the transition. He, therefore, located the "mass public", when independently organised for democracy within a "mobilised public," as "civil society". The latter is, for Diamond, the realm of organised social life that is not only open but also voluntary,

self-generating, self-regulating and, at least, partially self-supporting. Civil society is, in contradistinction with the realm of private sphere, autonomous from the state but always in interaction with it and essentially bound by a legal order or set of shared rules.

The focus in this chapter is on CSOs whose mandate is tailored towards fighting corruption, otherwise called anti-corruption CSOs. This is because fighting corruption requires a broad-based synergy with special skills and reach-out by protagonist organisations and their various coalition platforms. Those which fall into our definition of anti-corruption CSOs in Nigeria are the Zero Corruption Coalition (ZCC), the Convention on Business Integrity (CBI), the Corruption Anonymous (CA), the Transparency International in Nigeria (TIN), the Publish What You Pay (PWYP), the Enough is Enough Nigeria, the Nigeria Extractive Industries Transparency Initiative (NEITI), the Centre for Information Technology and Development (CITAD), the Alliance for Credible Elections (ACE) and the Civil Society Legislative Advocacy Centre (CISLAC). Others are the Action Aid Nigeria (AAN), the Centre for Democracy and Development (CDD), the Communication and Social Impact (CCSI), the National Procurement Watch Platform (NPWP), the Accountability for Maternal, New Born and Child Health in Nigeria (AMHiN), the Socio-Economic Rights and Accountability Project (SERAP), the Tax Justice and the Governance Platform Nigeria, the State of the Union Campaign and the West African Civil Society Forum (WACSOF).

A Telescopic View of the Nigerian State and the Fight against Corruption

The Nigerian state has always claimed to have been fighting corruption while at the same time it consciously or unconsciously promotes a fertile ground for corruption to thrive in the country. This is largely because the line dividing the pattern of corruption, including its scale, between military and civilian regimes in the country is not clear-cut, as one would envisage. Also, the institutional and administrative agencies fighting corruption have suffered from lack of policy continuity with changes of government. Where governments maintain such institutions, as has been the case

with existing anti-graft institutions (the EFCC and ICPC), which were established in 2012 and have survived four different changes of leadership, their capacity is weakened by prejudice and politicisation. In any case, except in some isolated cases, most of the past attempts at combating corruption were unsuccessful. This is partly attributed to the fact that political will is absent. This causes a delay in trying corrupt cases. This largely explains why low conviction rates in high profile corruption cases have been recorded since the inception of the EFCC.

Though the rate, scope and pervasiveness of corruption in Nigeria's experience with the parliamentary system of government were not as horrendous as they are today, the allegation of corruption was purportedly one of the reasons for the first military intervention in Nigeria (Balogun, 1973, Obasanjo, 1987). Regardless of the controversy it generated and the contradictions observed in the justification for the overthrow of the first parliamentary government, Nzegwu's broadcast speech, which hinted at "political profiteers, swindlers, the men in high and low places that seek bribes and demand ten percent…", underscored the incipient forms of corrupt practices in Nigeria's First Republic. Diamond (1991:73) notes that in whichever way one sees it, the First Republic fell mostly because of ethnic and regional contestations and the "growing public disgust with corruption – and with politicians as a class – also played a role". Similarly, though the coup plotters did not form a government to enable an investigation into the alleged corruption by some regional leaders, the Foster Sutton Tribunal of Inquiry of 1956 and the GBA Coker Commission of Inquiry of 1962 confirmed the saying that there was no smoke without fire.

The first Commissions of Inquiry found the misappropriation of the Eastern region government's funds by key public officials in the region through the African Continental Bank (ACB), while an investigation into six western Nigerian public corporations established the misappropriation of funds by leading Western region politicians, who also siphoned funds of the Cocoa Marketing Board (Ibeanu and Egwu, 2007; Mikail, 2016). Similarly, General Murtala Mohammed's cardinal focus of leadership was to rid the Nigerian

public service of the monumental corruption that bedevilled the sector during the Gowon administration. His approach was to sanitise the public service, an action which was predicated on the government's conviction that the centre circle of corruption was public institutions. They were enmeshed in all kinds of corruption with the connivance of public officers, mostly permanent secretaries and chairmen of boards of government companies, commissions and corporations.

Not only were those found guilty of corruption among the public servants made to face the wrath of the law, but also military and police officers who served under the General Gowon administration (1966-1965) and found guilty of enriching themselves with public funds were appropriately penalised. Their illegally acquired properties were confiscated and they were later dismissed from service at both state and federal levels (Briggs and Bolanta, 1992).

General Murtala Mohammed was assassinated in a bloody but unsuccessful coup attempt on February 13, 1976. This was a serious blow to the then ongoing vigorous measures imposed to curb corruption. Though General Olusegun Obasanjo, who succeeded General Murtala, vowed to continue with the latter's policy, his regime was more pre-occupied with its transition to a civil rule programme, which was also a policy of his predecessor, rather than essentially targeting corruption, which by then was profoundly decimated. Furthermore, without the practical demonstration of leadership commitment to fighting corruption and in the face of massive investments on federal projects as a result of the increase in oil revenue, particularly the injection of colossal amounts of money into the agricultural sector of the economy without much needed accountability, opportunities for neo-patrimonial networks were opened. One of the unintended consequences of the expansion of the public sector during his tenure was the resurfacing of corruption, because "too much money became available, and too much was spent, thereby creating opportunities for people to become corrupt" (Briggs and Bolanta, 1992:585). The result of this free spending raised allegations of corruption by the regime, which was accused of

a failure to account for the N2.8 billion oil money accrued to the country (Ibeanu and Egwu, 2007; Mikail, 2007).

Undoubtedly, the civilian regime to which the military government handed power in 1979 returned the country to business-as-usual, of a full-cycle reign of corruption, which attained a higher level (Briggs and Bolanta, 1992). Worse still, without any clear policy on corruption and as a result of lack of an enabling legal framework other than the Constitutional provision in the 1979 Constitution, which called for the abolishing of "all corrupt practices and abuse of power", Nigerians were taken for a ride on the issue of corruption in the Second Republic. Corruption remained unchecked in the civil service, the police and the customs as well as among prominent political figures, including members of State and National Assemblies. The government's introduction of the so-called Ethical Revolution, which was meant to create general awareness for decency and cause change in the attitude of Nigerians, did not make any headway in tackling the rising tide of corruption during the Shagari administration. Shehu Shagari's civilian government exhibited one of the crudest forms of primitive capitalist accumulation through the discriminate issuance of import licensing to party stalwarts and the award of contracts and massive fraud. The situation in the then 19 states of the federation was not much different from what was obtainable at the federal level, as state executive Governors used security votes as a conduit-pipe through which they siphoned money meant for the security of their states.

Thus, against the backdrop of the dwindling fortunes of the Nigerian economy as a result of creeping indebtedness, a huge capital outflow and the massive repatriation of foreign exchange and a decline in external reserves, rising unemployment and teachers' strike for the non-payment of salaries, the Second Republic was responsible for its abrupt end. The government was overthrown through a bloodless coup on December 30, 1983. Some of the reasons put forward by the coupists for their action were economic mismanagement, corrupt leadership and general insecurity (Abba, et al. 1985; Briggs and Bolanta, 1992).

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The new military regime under the leadership of General Muhammadu Buhari, like that of General Murtala Muhammed, was hard-nosed on corruption. It introduced draconian laws and corrupt politicians were investigated and those found guilty sentenced and imprisoned for many years. A social rejuvenation programme called War Against Indiscipline (WAI) was introduced and vigorously implemented. Though programmes like WAI were laudable because they were introduced to instil morality, public accountability and discipline in the psyche of Nigerians, their implementation lacked a human face. Also, the failure of some government functionaries to demonstrate leadership by example in a regime that approached the issue of corruption with a zero-tolerance response rendered its posture on the matter questionable (Davieson, 2015). Despite the odds associated with the fight against corruption under Buhari's military regime, it achieved modest results (Ribadu, 2005) and was generally regarded as second to the one led by General Murtala Muhammed in that regard.

Paradoxically, the subsequent military regimes that came into power institutionalised corruption and expanded the frontiers of the neo-patrimonial networks that served as the breeding ground for corrupt practices in the public sector. Throughout the rule of General Ibrahim Babangida, who toppled General Muhammadu Buhari in 1985, to General Sani Abacha, who took over from the Interim National Government of Ernest Shonekan in 1993, and, finally, General Abdulsalami Abubakar, who succeeded Abacha and returned the country to civilian rule in 1999, the story was the same. High profile corruption and its institutionalisation into the Nigerian society were some of the nauseating experiences the country passed through. The trajectory of the economic reform measures and the prolonged period of transition to civil rule coupled with what Ibeanu and Egwu (2007:186) described as the "extreme personalisation of power" were some of the experiences that profoundly induced the tidal waves of corruption under the three successive military regimes. Excess crude oil revenue realised following the 1989 Gulf war to the tune of about N71 billion was squandered. That was not all. When General Sani Abacha died in 1998, it was estimated that, during his

five years in office, he looted between US$2 billion to US $5 billion (Adetunla, 2008).

Against the backdrop of the monumental crisis of corruption faced by the country and the bad name it created locally and internationally, the new civilian regime under President Olusegun Obasanjo promised to face the challenge head on. Emboldened by Section 15 (5) of Chapter 2 of the Constitution of the Federal Republic of Nigeria (1999), which states that "the State shall abolish all corrupt practices and abuse of power", the support of local and international stakeholders, such as CSOs, state and non-state actors across the world, the civilian regime started on a sound footing in setting up anti-corruption agencies. It is no wonder that the first bill sent to the National Assembly by the Obasanjo government was for the establishment of the Independent Corrupt Practices and other Related Offences Commission (ICPC). Later, another anti-graft agency, the Economic, Financial and Crime Commission (EFCC), was established. Together, the ICPC and the EFCC were to complement the activities of the existing legal framework on corruption, which has been embedded in the Constitution, that is, the Code of Conduct Bureau (Ibeanu and Egwu, 2007). Other administrative measures were also adopted side-by-side with the relevant institutional mechanisms meant to combat corruption in the country. In this regard, mention needs be made of auxiliary units like the Technical Unit on Governance and Anti-Corruption Reforms (TUGAR) and the Bureau of Public Procurement (BPP). There is also the role of due process mechanism, which is meant to enhance public accountability in public procurement and ensure prudence in the management of public institutions through the establishment of Budget Monitoring and Price Intelligence Unit (BMPIU) and open and competitive tender for government contracts, among other policies. These measures not only raised high hopes and expectations that the country was soon going to see light at the end of the dark tunnel but also provided a general feeling that at last a Messiah had assumed the leadership of the country.

The initial stand of the regime left no one in doubt that Obasanjo had no sacred cows policy on corruption. This was attested to by the

initial actions of the government which yielded apparent results, with over N400 billion of stolen money recovered by the EFCC and how celebrated corruption cases involving the former Inspector General of Police, state Governors, Ministers and Presidents of the House of Senate were exposed and the accused charged to court (Ibeanu and Egwu, 2007). However, the good image created by the new civilian regime at the beginning was lost as a result of its contradictory actions and the politicisation of the anti-graft agencies. Much more discerning was the fact that the regime promoted corruption in the National Assembly and through celebrated projects in which colossal amounts of money were injected and siphoned without benefiting the end users.

Consequently, Nigerians increasingly lost faith in Obasanjo's stand against corruption because of his apparent insatiable quest for power, as manifested by his attempt of violating the Constitution through seeking a third term. This singular motive forced him to lose focus on the war against corruption and soft-pedal the work of the EFCC, which he used as a political tool in the hand of government to track down political opponents or public officers. Many cases of political corruption were not investigated. Therefore, in the latter days of the regime, the government lost its bearing on the fight against corruption, with many best known allegations of bribery scandals, like the squandered and unaccounted $16 billion invested on the national power project between 2006 and 2007. It was reported that Nigeria lost at least $4 to $8 billion per year to corruption during the eight years of Obasanjo administration (Human Rights Watch 2007, cited in Mikail, 2017:81).

Indeed, the Umaru Musa Yar'adua/Goodluck Jonathan government that came after the 2007 general elections was hatched by the very political corruption steered within the ruling party by Obasanjo. It all started when the National Assembly foiled Obasanjo's bid for a third term in office. Therefore, with no plan to leave the corridors of power, coupled with his unconcealed bid to sabotage the Vice President, Atiku Abubakar's, political ambition (who later picked the presidential ticket of the Action Congress, AC), Obasanjo mid-wifed against all hues and cries within the ruling PDP the Yar'adua

government (Adeniyi, 2011). The election that brought the latter to power was marred by electoral irregularities and manipulation. Upon ascending to power and in his attempt to raise the confidence of Nigerians and guarantee public trust, Yar'adua admitted flaws in the election that brought him to power. He set up a 22-member Electoral Reform Committee to investigate all the issues militating against transparent elections and reform the country's electoral laws. This singular action, coupled with "his personal disposition and the direction in which he decided to lead his administration" (Adeniyi, 2011: xxiv), which focused on the rule of law as its guiding principle, earned him early goodwill from Nigerians.

Bold initiatives were made by the government to block the drainages that served as the conduit pipes through which unscrupulous public officers siphoned the country's money through dubious and, sadly, unhindered methods. First, the government instituted the policy of e-payment in public sector financial management. The policy required that the settlements of all federal government obligations be made through bank electronic payments and not in cash, which hitherto provided channels for resource misappropriation or opportunities for bribery and corruption. Second, the Central Bank of Nigeria (CBN) enjoyed the support of the Yar'adua administration in reforming commercial banks in the country, a policy that saw the trial of some chief executives of some banks regardless of their connection with those in the corridors of power or any interests. Third, an executive memo was brought to the Federal Executive Council (FEC) for the introduction of a non-conviction-based asset forfeiture system in Nigeria. The target of the policy was the recovery of assets that were proceeds of corruption and also to mount pressure on countries in which the stolen assets were kept to return them to the country. Fourth, a corollary to the policy on asset forfeiture was the establishment of a regulatory framework for the control and management of such assets both before and after confiscation. Fifth, the government's directives to ministries to return unspent funds to the Federal Account in the month of December each year mopped out huge sums of money, which used to serve as a goldmine for the enrichment of chief executives, who dubiously cornered such funds through various illegal outlets.

The initial commitment to upholding the rule of law and fight against corruption during Yar'adua's administration hit the rocks from the start; "with time, the implementation of the war against corruption became sometimes dysfunctional and at other times very diabolical" (Adeniyi, 2011: xxvi). As earlier noted, the Yar'adua administration was the brainchild of political corruption, as within the ruling PDP and the top functionaries in his cabinet were mainly staffed with those who outrightly sponsored his political campaign. They were notorious corrupt politicians of the time. The Attorney-General of the Federation's apparent attempt at the falsification of information on James Ibori, who was being investigated by the EFCC and the London Metropolitan Police for alleged money laundering worth USD $250 million, is a case in point. The "political cabal" in Yar'adua's cabinet destroyed his personal integrity and the reputation of his government. Similarly, reinforced by his illness and the inability of the members of his cabinet to identify themselves with him on the anti-graft measures introduced by him, Yar'adua's death in 2010 undermined the series of successes his government achieved in tackling the menace. The Jonathan administration, which succeeded Yar'adua, thrived on a corruption platform, even though it purportedly claimed to be fighting it.

President Jonathan's indifference to corruption or his lack of political will to halt it arose from his desire to contest for the 2011 presidential election and remain in power in the face of the internal friction generated on the issue of a zoning formula. The zoning principle, which was allegedly devised by the ruling party, zoned the office of the president to the north, but it was opportunistically abandoned to provide a leeway for Jonathan to contest. Therefore, President Jonathan's frantic moves to clamour for legitimacy and support from aggrieved party members and other political interests in the country invariably pre-occupied his mind instead of fighting corruption, which was left unhindered largely because of political expediency. Apart from the Wikileaks Report, which indicted him on corruption charges as the Governor of Bayelsa State, Jonathan's refusal to declare his assets after assuming power in 2011 sent a lot of signals about what would likely be his posture towards the

nagging stories of corruption during his administration. They led to a terrible situation of becoming, to use Segun Adeniyi's (2017:83) words, "a case of one day, one scandal".

It was reported that under Jonathan Nigeria earned N51 trillion from oil revenue out of the N96.212 trillion the country earned in 58 years of crude oil sales (*Vanguard*, August 14, 2016). Hence, at the heart of corruption during his administration was what can be described as the grand coalition of public servants and government functionaries, who mismanaged the oil revenue and fuel subsidy funds. The Senate committee that investigated the fuel subsidy scam discovered how the sum of N240 billion provided for the subsidy in the 2011 budget was overspent by over N1.1 trillion and the outcome of its assignment came up with astonishing revelations. Contradictory figures were mentioned by different institutions connected with the administration of the funds and, at the end of the hearing and upon submission of the House Report, it was clear that many top government officials were indicted. The topmost of that was the Minister of Petroleum Resources, Mrs. Diezani Alison Madueke, who in a different account was later said to have stolen at least US$ 90 billion from the state treasury.

As part of the ongoing probe, the EFCC also traced US$ 1.5 billion believed to be the proceeds of crime to a Swiss account. It was also against the backdrop of the Minister's horrendous looting of the country's oil money that the Federal High Court sitting in Lagos ordered the forfeiture of 56 properties allegedly bought by Diezani between 2011 and 2013. In far away London, not only was the former Minister's properties valued at 10 million pound sterling, which were frozen by the UK's National Crime Agency, but also Italian prosecutors in Milan alleged that Nigeria's former President, Goodluck Jonathan, and his oil Minister received kickbacks as part of a $1.3 billion deal involving oil giants ENI and Shell (*Punch*, January 9, 2017).

Not only was the oil money used as a conduit pipe through which a colossal amount of money was siphoned, but also leakages, bribery,

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contract scams and arm deals were the pivot of corruption in the country (Page, 2018). This experience serves to reinforce what Chazan and Daloz (1992:22) call "the vertical, infra-institutional and patrimonial networks", which also clearly manifested in the grand corruption that took centre stage during the Jonathan administration. Even the men of God were not left out at the dining table of corruption. Pastor Oritsejafor, a close confidant of the President whose private jet was caught in Johannesburg with $9.3 million by South African officials in 2014, is an illustration of such vertical links in the Nigeria's pattern of neo-patrimonial relationship.

At the peak of the corruption scandals in Nigeria, particularly as the general election drew nearer, was the money earmarked for the purchase of arms for the Nigerian intelligence services (*Vanguard*, September 30, 2014). Thus, clerics from religious divides, companies and individuals who mattered most politically were directly or indirectly enticed. The funds were also recklessly utilised for political campaigns and other scandalous and highly disturbing purposes. The Jonathan administration ordered for the transfer of US $300 million and British Pounds 5.5 million of the recovered Abacha loot to the Office of the National Security Adviser (ONSA). The custodian of the funds for military procurement, the former National Security Adviser, Sambo Dasuki, became synonymous with the Automated Teller Machine (ATM) for the ruling party's campaign finance when he supervised the looting of $2.1 billion from Nigeria's coffers. Dasuki was arrested by the Department of State Services (DSS) in 2015 and handed over to the EFCC.

The sad situation in Nigeria's corruption profile cases during Jonathan administration is that not only was the money which was supposed to be used for the prosecution of the war on terror squandered by unscrupulous public officials, the government too was insensitive to the rising spate of corrupt cases among public officials. This state of affairs exposed the susceptibility of the country's petro-state economy to plunder. Being an economy highly dependent on oil royalties, which come directly through the central government, the Nigerian state presides over the looting of national resources (Paden, 2016: 140). In this economic system, public

servants close to the draining fountain of wealth, even if they are unproductive, are the few people who benefit from the commonwealth of the state. Every one seeks an opportunity to serve the centre only at a place where the honey comes. Similarly, those who masquerade as patriots are often exposed by an act of omission or commission. Their sudden wealth and lavish lifestyles or the inherent contradictions associated with avarice, ego and personal enrichment expose their craving for materialism. Such was the case when a committee chairman of the National Assembly investigating the alleged misappropriation of the country's oil revenue, Faruq Lawan, was found guilty of collecting a bribe of $620, 000 (N80 million) from a businessman and the Managing Director of one of the oil companies being investigated, Femi Otedola. Other embarrassing corrupt cases associated with the government of the day included, but are not limited to, over N5 trillion of public funds stolen through dubious and counter-productive activities; corruption cases over the registration of N6.1 billion SIM Cards in the National Communication Commission (NCC); fraud in ecological funds; the misappropriation of N850, 000 for food per day by the then Director and General and Chief Executive Officers of the Security and Exchange Commission; the N480 billion Subsidy Re-investment Empowerment Programme Funds (SURE-P); and the CBN claim of the controversial missing of the Excess Crude Oil Account to the tune of N8 trillion from the Federation Account (FA) (Mikail, 2016).

The forgoing reflection on the trajectories of corruption in Nigeria shows that the trend in various regimes differs. Despite the difference in the trend over the years, the phenomenon reflects a vicious circle, leading to a situation whereby graft among public officers has been on the rise since the 1970s, regardless of the type of regime, military or civilian. Put differently, a leadership problem in the face of massive oil revenue for the Nigerian state has sown the seeds of corruption, which germinated to the scale of plunder and pillory (Achebe, 1983; Jega, 2005).

In all the years Nigeria passed through since 1960, the country experienced different trajectories of leadership and governance. It is within the context of these differences that one can understand the

nature of CSOs' role in the anti-corruption fight, historically and methodically. As pointed out earlier, the fight against corruption is not a new undertaking by CSOs. What has informed the nature of civil society's response to poor leadership and governance during the periods of civilian and military rule is also the key to the understanding of their role in the fight against corruption since independence. In the First Republic, the media, labour and students had been at the forefront in questioning the incipient forms of corrupt practices by public officers. Though corruption existed among politicians, it was not visible to engender a general public outcry in the First Republic. With the virtual absence of organised CSOs, only the educated elites, including opposition parties and trade unions, raised their voices on corruption. Apart from the experience of the committee of enquiry that investigated the allegations of corruption in the Eastern and Western regional governments, the act of corruption was instantaneously exposed by Major Nzegwu in his broadcast speech to the nation announcing the overthrow of the first parliamentary system of government.

Although popular artists like Fela Anikulapo Kuti exposed corrupt military regimes in various albums of their songs, there was no dividing line between fighting corruption and the struggles for the exit of the military from the corridors of power. This was made obvious following the persistent draconian laws introduced by the successive military rulers that suppressed freedom of speech and association in the face of the economic crisis and adjustment policies of the Nigerian state. This gave birth to the rise of organised CSOs with cross-cutting mandates as represented in the activities of organisations, such as the Civil Liberties Organisation (CLO), the Committee for the Defence of Human Rights (CDHR), the Constitutional Rights Projects (CRP) and the Human Rights Monitor (HRM), the Constitutional Rights Projects, the Network for Justice (NJ) and pro-democracy groups, such as the Alliance for Democracy (AD), the International Human Rights Law Group (HURILAW), the National Association of Democratic Lawyers (NADL), the Democratic Alternative (DA), among other groups. Following the return to civilian rule, particularly during the first term period of the civilian administration, most of the CSOs that fought for the return

to civilian rule entered their lowest ebb in the struggle for transparency and accountability. The situation remained so until much later when it became evident that the change in leadership from military to civilian rule did not signify a change in various aspects of governance, including the conduct of public officials, notwithstanding the government's efforts towards fighting corruption, among other salient vices.

Thus, with the emergence of new CSOs with special mandates to fight corruption, working side-by-side with those that survived to the return to civilian rule in 1999, despite the obvious shift of the focus of donor support, a resurgence of fighting corruption gathered momentum during the sixteen years of civilian rule. In all these years, CSOs succeeded in championing the passage of the Nigeria Extractive Industries Transparency Initiative (NEITI) law and the Freedom of Information Bill (IFOB) and Fiscal Responsibility law, among others. However, in view of the bizarre looting of the country's resources and the public outcry over corrupt practices, the change of government from the party that ruled the country for sixteen years to the opposition party that promised steadfastness in the fight against corruption offered the CSOs a veritable climate for the sustenance of the fight. It was thought that the new administration would capitalise on the existing state and non-state anti-corruption agencies to fight the scourge, particularly against the backdrop of what can be described as haemorrhage in the Nigerian economy during the immediate administration that the new APC government took over from in 2015.

The Change Mantra and Mainstreaming Change in the Fight against Corruption Since 2015

The rise to power of President Muhammadu Buhari hinged on two assurances—a promise of change and a direct mandate to fight corruption head-on. The fight against corruption is globally a herculean task. This is even more so, particularly in a society where the cankerworm has gone deep into the fabric of society for a long time, as is the experience in Nigeria. This fight requires the political-will of leaders and the un-alloyed support of all stakeholders within and outside the corridors of power, as well as the cooperation of

local and international partners. In order to demonstrate his commitment to the fight against corruption, Buhari declared his assets and encouraged other public officers to do the same. In what can be regarded as a message to Nigerians that he would address the problems of the country with vigour, particularly the monstrous corruption that had bedevilled the country for ages, President Buhari's inaugural speech provided hints on what approach his administration would take to deal with the county's maladies. In particular, he put the message straight to Nigerians that "I belong to everybody and belong to nobody". Soon after his swearing in as President, he started investigating alleged cases of corruption. Top on the list of those cases were public sector leakages and the arms procurement funds superintended by ONSA. Therefore, he did not only base much of his campaign on fighting corruption in the country's public sector, Buhari also made the fight a priority agenda of his administration "…We are demonstrating our commitment to this effort by bringing integrity to governance and showing leadership by example…." (Paden, 2016:196).

Government's fight against corruption revolves around a mixture of a series of administrative and institutional reforms and policies. Broadly, the main thrust of the fight initiated by Buhari's civilian regime has been the adoption of existing anti-graft institutions and the introduction of new policies. Closely related to these measures are policy initiatives to deter corrupt officials from making moves to steal from government coffers.

Among other measures, there are five major pillars of the government's anti-graft measures. First, is the implementation of Treasury Single Account (TSA), hitherto introduced by the Jonathan administration in 2012; Buhari administration has maintained and vigorously implemented the policy. Second, the court trial of those accused of corruption has continued with high level cases tried and prosecuted, even though the number of those affected is abysmally low compared to the number of cases before the judiciary. Third, is the introduction of a whistle-blowing policy, which encourages public officers and individuals in the society to expose any alleged wealth acquired by public officers from fraud in return for monetary

reward of between a minimum of 2.5% to a maximum 5.0% of the total amount recovered. The fourth measure is that of a introduction of the national orientation campaign for attitudinal change, which is christened "Change Begins With Me" launched on September 8, 2016. The fifth measure is the setting up of a Presidential Advisory Committee Against Corruption (PACAC) to advise the President on matters of graft and of the Special Presidential Investigation Panel (SPIP) for the recovery of public property. Next is the conduct of shuttle diplomacy to Western societies to cooperate with the Federal Government for the return of monies looted from the country. This is to say that while recognising the importance of stakeholders' role in confronting the daunting task before his administration on its anti-corruption drive, the government also emphasised the need to work on the same page in that direction with international institutions whose major drive is ensuring justice and facilitating the establishment of a free society. This explains why when Donald Cameron mocked Nigeria with his "fantastically corrupt" label, Muhammadu Buhari reacted by calling on his host to help to return the money stolen by corrupt Nigerians and kept in the United Kingdom. This plea resonated later during President Buhari's address to commemorate the 20th anniversary of the International Criminal Court (ICC) at the Netherlands, where he demanded for the ICC's action on corruption cases in the developing Africa (*Daily Trust*, Wednesday July 18, 2018)**.** Lastly, is the signing of the Executive Order No.6 of 2018 to prevent the owners of assets under investigation from conducting any transactions on those assets. It focused on Nigeria's public officials who served between 1999 and 2015 and were under investigation for corruption by the country's anti-graft agencies.

The administration's successful admission into the Open Government Partnership (OGP) in 2016 is a major landmark, which the CSOs appreciated and considered as a mark of the commitment of the Nigerian state to the fight against corruption. In order to be eligible, members of the OGP, governments must demonstrate a minimum level of commitment to open government principles in four key areas (Fiscal Transparency, Access to Information, Asset Disclosure and Citizen Engagement). The country's membership

into the OGP gives the CSOs a veritable opportunity to synergise with Ministries, Departments and Agencies (MDAs) for the accountable and transparent implementation of budgets and policies.

Halfway into the implementation of the anti-corruption policies introduced by the government, it became clear that the task before the Nigerian state was gargantuan, as it required the support of all and sundry. For the government, the societal value system has over the years been systematically and bastardly eroded as a result of the cankerworm of corruption. During the launching of the "Change Begins With Me" campaign, President Buhari called for attitudinal change in both private and public lives. One of the dismal truths of the government's reform policies on corruption arose from resistance by, first, those that the change mantra intended to change and, second, some of the serving members of the administration. This state of affairs brings us to the issue of corruption fighting back, as it is being fought on two fronts – from within and outside the office of public trust. It also tangentially depicts the contours of the character of the Nigerian petty bourgeoisie, who perceive the action of the government as perilous to their interests. Besides, the act of corruption has its grand coalition within and outside public service largely because it is a syndicate of some sort. From within government circle, public officials, including serving Senators and members of the House of Representatives on the floor of the National Assembly (NASS), represent the cog in the wheel of progress in the fight against corruption. The legislators fight back clandestinely and sometimes by demanding bribes to facilitate the passage of the national budget or that of a sector (Okonjo-Iweala, 2018). This is clearly expressed when executive bills are channelled to the members of the Assembly for assent. In this case, the scenario is analogous to a business deal, something akin to "money in bags and approval on the spot". Any contrary approach would result in not signing a bill or frustrating government's policies. This is often what is associated with the frustration of government's policy initiatives and intermittent mischief orchestrated to derail the provision of public good.

The refusal of the 8th National Assembly to assent to some bills passed to it by the Executive on some bold initiatives to address the challenge of corruption since the inception of the Buhari administration can be situated within this framework. Anti-corruption policies, such as the assets forfeiture law and the rejection of a presidential nominee for the chairmanship of the EFCC, are instances that easily come to mind on this issue. This explains why even the Executive Order No. 6 of 2018 passed in July 2018 was swiftly rejected by the NASS as undemocratic. In fact, the Order was passed a few days after the Supreme Court acquitted the Senate President, Bukola Saraki, over allegation of false assets declaration and other corruption charges. Other illustrated cases of the syndicate against the executive on matters of corruption was the shenanigans between the Director-General of Customs, Hamid Ali, and the NASS over the refusal of the former to appear before the latter when he was summoned for a hearing as part of the institution's oversight functions. The debacle between the NASS and the Director-General was informed by the members' desire to cajole the officer, who had earlier on made allegations of customs duty avoidance in the purchase of expensive cars imported into the country by the Senate President and some members of the House.

Outside the governmental sphere of political interaction, corruption fights back through syndicates of contractors and oil companies. This class fights the fighters of public corruption quietly from a distance or with the aid of some public servants sympathetic to the ousted government who serve the role of invisible cohorts. This is especially the case with individuals who are negatively affected by either the introduction of the Central Bank of Nigeria's (CBN) tight foreign exchange policy, the TSA, or those who developed hysteria over the whistle blowing policy of the government.

Civil Society's Reaction to Government's Change Mantra and its Professed War against Corruption
The fight against corruption in Nigeria since 2015 has really been tortuous because the fighters are fought back with all the "arsenals of war" at the disposal of unscrupulous individuals whose lives depend on graft. The war is being fought on different fronts but

only social groups that are structurally organised and have the independent platforms to key into the change mantra can provide a consistent support to the government's anti-corruption crusade. It is within this context that one can understand the role of CSOs in the fight against corruption, not only with the change of government in 2015, but way back to the trajectories of military rule during its three decades of holding power and following the return to civilian rule in 1999 (Mohammed, 2002). While it is axiomatic that CSOs fought on the side of anti-corruption policies using strategies, such as lobbying, political mobilisation, coalition building, partnership with other stakeholders, including the government, campaigns, workshops and conferences, they also monitored the progress of implementing government's policies and anti-corruption agencies.

In cases where the government slacks on the fight against corruption or negates the very principles of the fight, it is the role of CSOs to constructively wage sustained campaigns and call for caution and impartiality. To a large extent, during the military rule when human rights NGOs in the country constituted themselves as oppositional in the quest for democratisation, their standpoint in the fight against corruption was to ensure the end of military rule, which they considered highly corrupt and generally antithetical to democracy (Mohammed, 2010a; Yusif, 2010). It is in the context of such struggles that one understands the role played by CSOs during the military authoritarian years. Civic organisations, including but not limited to, the United Action for Democracy (UAD), the Campaign for Democracy (CD), the Civil Liberties Organisations, (CLO), the Committee for the Defence of Human Rights (CDHR) and the Human Rights League (CHRL), formed various coalitions to achieve their onerous goal of ensuring the end of corrupt military rule.

 Since the return to civilian rule, the strategies of the CSOs have changed to reflect the democratic process and new channels of political participation through constructive engagement with the state (Mohammed, 2009; Mohammed, 2010b), leading to what Kane (2001) calls interactive civil society. This form of struggle is seen more in terms of democracy and development and the right of the

electorate to contribute to policy-making. Constructive engagement allows citizens to accept or reject government's actions or those of its chief principal agents as well as evaluate the performance of institutions of horizontal accountability on matters of good governance. Through this process, both the existing and new organisations with mandates on corruption are brought under various platforms of coalition to fight corruption.

Therefore, to welcome the government's idea of facing corruption head-on, CSOs under the aegis of the Zero Coalition (ZCC) started setting the agenda for the government on corruption. The coalition, which consisted of the "Say No Campaign", the National Procurement Watch Platform (NPWP), the Accountability for Maternal, the New-born and Child Health in Nigeria (AMHiN), the Tax Justice and Governance Platform Nigeria and the State of the Union Campaign and the West African Civil Society Forum (WACSOF), congratulated the President-elect on his victory at the poll. It constructively challenged the incoming administration, first and foremost, to live up to its campaign promise of ridding the country of corruption. Second, the coalition tasked the President to appoint people of impeccable character to serve in his administration and, thirdly, it called on the government to stop the lingering leakages of tax revenue in Nigeria's oil and gas industry (*Guardian*, May 18, 2015).

Given the notoriety of the oil sector as the beehive of corrupt practices, the group emphatically called for the government to address leakages in tax collection and the arbitrary use of tax incentives and all sorts of illicit financial outflows. In its attempt to mainstream their activities to the focus of the change mantra, the "Say No Campaign" rolled out plans to establish a database of corruption cases across the country to enhance investigation. The import of this initiative was predicated on the group's conviction that the anti-corruption battle was the citizens' fight and that Nigerians would be able to identify with the government's anti-corruption campaign and eventually intensify it, so that there could be no sacred cows. To this end, the coalition organised a rally in Abuja on December 8, 2017 with the theme "Anti-corruption

March". The rally was the first CSOs open campaign to mobilise Nigerians against corruption since the assumption of office by the new government. In July 2018, a similar rally was held in Lagos by another coalition of CSOs comprising the Action Aid Nigeria (AAN), the Centre for Democracy and Development (CDD) and the Centre for Communication and Social Impact (CCSI). The aim of the campaign, tagged: "Upright for Nigeria - Stand Against Corruption", was to raise further awareness on the need to instil behavioural change to challenge the belief that made corruption acceptable through instilling positive value (*Vanguard*, July 3, 2018).

However, complacency on the part of the government and the evidence of corruption from public officials were what led CSOs to raise crucial questions about the mantra of change. In a press release, the Academic Staff Union of Universities (ASUU) cogently pointed out that the evidence available to it revealed that the claims by successive administrations in the last two decades or so, including the efforts of the current administration, with its cardinal objective, which focused on anti-graft 'war', had been elusive. Despite the change mantra and the "positive achievements of EFCC, ICPC and the Presidential Committee on Corruption notwithstanding", corrupt practices are alarming. These have even gone to the extent of "wearing new garbs at every twist or turn" (ASUU, 2018:9). This standpoint speaks the minds of many Nigerians, including the anti-corruption CSOs. Undoubtedly, the initial commendation of the government's stance on corruption gradually faded out and turned into questioning the very change mantra that was promised Nigerians, which, by all practical purposes, is evidently associated with some challenges.

It was against this backdrop that the CSOs observed some blemishes in government's pet project "Change Begins with Me", arguing that its anti-corruption war was failing (*Punch*, May 10, 2018). This came following the alleged diversion of about N12 billion Northeast Humanitarian Intervention fund by the serving Secretary to the Government of the Federation, Mr Babachir Lawan, and re-engaging the former Chairman of the Presidential Pension Reform Task Team, Abdulrasheed Maina, who was disengaged from service

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by the previous administration over a N2.7 billion pension fraud. Other corrupt charges put up by the CSOs were the attempt by the Babagana Kingibe-led Review Panel to siphon a $44milion intervention fund belonging to the National Intelligence Agency (NIA) and the alleged case of corruption involving a former Department of State Services boss, Ita Ekpenyong, amounting to $9million of the $30million operation fund from the former ONSA and the alleged diversion of over $21 million into his private use by the Director General of the DSS, Lawan Daura. Dismayed by the resurgence of corruption akin to the ones that caused embarrassment to the nation during the previous administrations and the unresolved cases of high profile corruption, the Civil Society Legislative Advocacy Centre (CISLAC) in partnership with the Electoral Reform Network (ERN), the Centre for Democracy and Development (CDD), the Zero Corruption Coalition (ZCC) and 14 other CSOs argued that "official corruption is deeply embedded and fast becoming a permanent feature whose subculture melts into the public office holders' daily life" (quoted in *Punch* May, 2018).

Thus, worried by "continued unwillingness to exert appropriate sanctions against high profile erring officials among others", the CSOs bowed to continue to prod the state to change its approach. Specifically, their reservations are informed by other related developments in the fight against corruption. First, the CSOs were worried that, despite the country's commitment to transparency and accountability in assets recovery, which was reaffirmed at the Anti-corruption Summit in London, two years after the global summit, the passage of the Proceeds of Crime Bill that would ensure the transparent management of returned assets had not seen the light of the day. Second, the CSOs also frowned at the low conviction rate in corruption cases. Third, they were dismayed by a situation in which little information was available on how recovered assets were utilised to benefit the common people.

According to the Speaker of the House of Representatives, Yakubu Dogara, the total value of these assets since 1999 was estimated at $2 trillion dollars (*Daily Trust,* July 19, 2018:3). Fourth, another issue of serious concern to CSOs was the absence of clear guidelines

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on how those assets were utilised. Also, the CSOs complained about the existing condition in which the Federal Executive Council (FEC) arrogated the powers of the approval of contracts bestowed on the National Procurement Council (NPC) as required by law. The FEC illegally continued to preside over the issuance of contracts, as it failed to pay attention to constituting the NPC to take over its rightful mandate on procurement. By and large, the CSOs dismay with the government over these issues had been attested to by the continuous allegations of corrupt practices among public officials, which, according to one report, in 2016 alone, Nigerian officials collected an estimated N82.3 million bribes totalling $4.6 billion (*Daily Trust*, July 19, 2018).

In what can be described as a cat and mouse relationship, the CSOs accused the government of not keeping faith with its change mantra, particularly on the anti-corruption drive. The government, in turn, criticised the CSOs for not doing well in mainstreaming into its fight against corruption. This was made clear on the occasion of the Nigerian Civil Society Situation Room Dialogue held in Abuja where the Vice President averred that the CSOs were not doing enough to support the government's anti-corruption drive, arguing that "there is not enough outrage from civil society on the anti-corruption war, they (CSOs) are not speaking up. This is an existential problem to Nigeria" (Quoted in *Punch*, October 5, 2017). Undoubtedly, for the CSOs, action should speak louder than words in the fight. Instead of promoting consistency in the fight against corruption, the Nigerian state turned its face the other side, as some serving public officials engaged in corrupt practices. This situation, in addition to creating a serious hole in the government's anti-corruption drive, also generated mixed reactions in the society over the capacity of the government to change the country from its past experience of executive corruption with impunity.

It is important to note that despite the CSOs' disagreement with the government over the implementation of policies on corruption, they have continued to support it on a better way to overcome the innumerable challenges associated with the fight against corrupt practices. This is to suggest that through constructive engagements

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with the state and public enlightenment directed at mobilising the society to key into the change mantra, the CSOs have come to play a big role in the fight against corruption during the Buhari administration.

Going beyond the strictly limited capacity of the Nigerian state in the fight, CSOs agreed with the government that corruption is fighting back. This was informed by the experience of losing cases of corruption in court by the federal government on account of the failure of the relevant institutions of horizontal accountability to key into the change mantra. This is particularly the case with the judiciary, which is part of the corrupt system in Nigeria. Therefore, SERAP, in particular, has called on President Buhari to adopt a revolutionary approach to his government's fight against corruption by referring high profile official corruption cases to the International Criminal Court for investigation and possible prosecution.

In cases where the federal government introduced a policy but failed to implement it due to unexpected lapses, CSOs moved into action and demanded for laws that could make the policy more effective and acceptable to democratic norms. One of such policy frameworks is whistle-blowing, which received commendation by the society, including the organised CSOs. The policy is one of the institutional reforms designed to encourage citizens with information to expose looted funds wherever they are hidden and also expose any violation, misconduct or improper activity that negatively affects the credibility of the Nigerian people and government. The policy is very effective in assisting the government to recover illegal properties taken from the public treasury. Within the first four months of the signing of the whistle-blowing policy in 2016, the federal government was able to recover N73 billion (*Vanguard*, April 16, 2017). Stories of how millions of local and international currencies were stashed in banks and kept at unusual places found by the operatives of the EFCC have made obvious the awful dimension of corruption in Nigeria.

As the activities of the Special Presidential Investigation Panel (SPIP) for the recovery of public property gathered momentum, millions of dollars, pound sterling and naira allegedly looted and kept in banks and other unanticipated places have been recovered. One of such celebrated cases was the discovery of a staggering sum of $9,772,800 and other cash sum of 74,000 pound sterling hidden in a building located in the slums of Sabon Tasha in Kaduna State belonging to the former Director of the Nigeria National Petroleum Corporation (NNPC), Mr. Andrew Yakubu. Others were the N400 million discovered in a Lagos Plaza Shop stashed in several bags known in local parlance as "Ghana Must Go"; the N250 million ($818, 062) found inside the popular Balogun Market in Lagos, the N55.8 billion stashed in banks; the N49 million ($160, 0340) discovered at Kaduna Airport and the $ 43.4 million, or 27,800 pound sterling and N23.2 million in Ikoyi, Lagos. By April 2017, a source close to the government had it that, following the effectiveness of the whistle-blowing policy, huge amounts of money were found at cemeteries and deep in the forest buried by looters for 'safety' (*Daily post*, April 16, 2017).

However, a serious issue of common interest to civil society is the government's ignoring the incessant calls by the CSOs to make public the identity of those who owned the discovered money as a result of the cooperation of successful whistle blowers. Questions over who owns what money, how and when are still begging for answers while rumours have been going round that some serving public officials are enmeshed in the allegedly discovered illegal monies.

Another serious grey area observed by CSOs in the implementation of the whistle-blowing policy is that it does not cover the protection of the whistle blowers who are left to face the wrath of corrupt persons. Their job security and safety are also at stake. For example, a staff of the Federal Mortgage Bank of Nigeria (FMBN), Mr. Murtala Ibrahim, was sacked for uncovering a scam at the bank. The same happened to Mr. Ntai Thompson, an Assistant Director with Ministry of Foreign Affairs, who exposed the looting of cash worth $229,000 and N800, 000 meant for crucial projects, and the

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Permanent Secretary of Ministry of Niger Delta, Ms. Fatima Bamidele, whose life was put under threat for the heroic action of exposing corruption and the mismanagement of N300million meant for the Poverty Alleviation Programme. Therefore, an issue of serious concern to CSOs is the growing state of ambivalence about corruption due to lack of adequate legal protection for whistle blowers. This fear has set in motion a series of advocacy conveyed via various media outlets and social media platforms as well as the NASS for the expeditious passage of the whistle-blowing bill.

Considering what one may call a twist of fate that has befallen whistle blowers and its likely impact of discouraging others to expose corruption, CSOs seek for the speedy passage of a Whistle Blower Protection Bill by the National Assembly. Through consistent and relentless advocacy and campaigns, they have succeeded in getting the Senate to pass the bill into law in 2017. This is what is known as "An Act to Protect Persons Making Disclosures for the Public Interest and others from Reprisals, to Provide for Matters Disclosed to be Properly Investigated and Dealt with and for other Purposes Related Therein". Both chambers of the National Assembly are to harmonise the bll and send it to the President for assent.

Meanwhile, while expecting the passage of the bill, CSOs have not only organised a stakeholders' summit with prominent law makers of the Federal House of Representatives in attendance to discuss and lobby for the signing of the bill, but have also gone ahead to launch the Whistle blower Support Project tagged "Corruption Anonymous" (CORA). This was a project of the African Centre for Media and Information Literacy (AFRICMIL) with the support of the US-based MacArthur Foundation. Another initiative with a similar objective is the "Say No Campaign" launching of an anti-corruption mobile app, *Doro Corruption* in March 2018. The application is purposely built software that informs Nigerians about the latest trends in the anti-corruption sphere. It also gives members of the public and private sectors an avenue to report cases of corruption. These interventions have yielded fruitful results in the sense that through sustained campaigns and lobbying sacked whistle

blowers like Thompson were recalled to their jobs and citizens became freer to expose corruption as their privacy was guarded. Similarly, CSOs' pressure on the government to fulfil its promise of payments to whistle blowers recorded some successes following intense outcry for justice and fair play at different forums and on different media outlets, leading to the payments of N375.8 million to 20 whistle blowers in June 2017 (*Premium Times*, October 12, 2017).

Through monitoring the processes of governance and policy implementation on corruption, CSOs serve as watchdogs of public accountability, transparency and anti-corruption policies. By throwing their weight on the government's anti-corruption campaign, CSOs have, in principle, consistently spoken their minds against the lapses identified with the reforms regardless of any interests. On the issue of recovered looted funds from abroad, while the CSOs support President Buhari's campaign on corruption they emphasised the need to step up the crusade before Nigerians lost confidence in it (Rafsanjani, interview with *This Day*, July 22, 2018). This plea came at the time when it became apparent that the whistle-blowing policy of the government had been lopsided and, consciously or unconsciously, selectively pursued. Nobody from the ruling party was named. This snag further deepened the growing suspicion that the change mantra campaign had not squarely covered all public officials, a situation which could jeopardise the sincerity of the campaign in totality.

More assertively, while CSOs in Nigeria have been supporting government's campaign for the return of looted funds in Europe and North America, they put a strong caveat before the federal government to their commitment on this matter. The caveat given to the government was that the recovered money and assets should not be re-looted by any means. As at April 2018, Switzerland returned $322 million in addition to the first tranche of $700 million already confirmed as fully repatriated by December 2012 (*Daily Trust*, April 24, 2018). The amount was kept in a Special Account with the Central Bank of Nigeria, the country's apex bank, on December 8, 2017. The Federal Government's proposed sharing of the $322

million recovered loot was considered by CSOs as an ill-advised decision. The CSOs position was informed by lack of available official statistics about the poor people in the country, a situation that could serve as another gateway for re-looting the recovered money. Their apprehension was informed by the experience of the immediate past regime when Swiss and other European banks returned millions of the loot to the tune of over $5 billion. However, how the money was spent is still unknown.

Therefore, instead of sharing the money, as proposed by the Buhari administration, CSOs advised the government to establish an Integrity Trust Fund for transparency and for the prudential management of the recovered money and assets (Rafsanjani, interview with *This Day*, July 22, 2018). This will enable the federal government to spend the money on education, health care and provide social amenities especially water (SERAP, in *Punch*, July 2, 2018). Thus, the anti-corruption CSOs want to ensure that the right mechanisms are put in place to guarantee the transparent management of the recovered funds and make it impossible for public officials to continue to loot and keep the money outside the country.

In fact, the watchdog role of the CSOs on the public management of resources in the era of change mantra is very encouraging. They serve as the voice of the voiceless and the epitome of restoring public trust through accountability and transparency in the way resources are managed in the country, especially for special projects like the prosecution of general elections. This was precisely the case when President Muhammadu Buhari submitted a budget of N242 billion for the execution of the 2019 general elections to the Senate in July 2018. CSOs were very critical about the budget, which they considered high and, therefore, called for the intensive scrutiny of the proposal. CSOs raised eyebrows on the proposed budget because what the country's electoral umpire, the Independent National Electoral Commission (INEC), actually budgeted was N194 billion. However, security agencies in the country, including the office of National Security Adviser (NASA), the National Security and Civil Defence Corps (NSCDC), the Nigerian Police (NP) and the

Department of State Security (DSS), were factored into the budget to share the remaining amount (*Daily Trust,* Wednesday July 18, 2018:5). Ostensibly, the security sector in the country had been notorious in serving as the conduit-pipe through which huge amount of money were misappropriated in the past (*Daily Trust,* Wednesday July 18, 2018).

In particular, SERAP and the Policy and Advocacy Centre (PLAC) were worried over the high amount required for the election, as proposed by the government, and challenged that Nigerians needed to know how the money would be expended, if at all the Senate eventually endorsed the budget. This trepidation was informed by the country's experience of past elections, particularly the latest one held in 2015. In its recent Report entitled *Camouflaged Cash – How 'Security Votes' Fuel Corruption in Nigeria"* (2018), Transparency International (TI) also identified security votes as a political tool in the hands of politicians seeking re-election or officials, who intended to run for political office to misappropriate public funds. The fact that it is "fungible, unaudited, and transacted entirely in cash" suggests that the security vote is one of the most durable forms of corruption (Transparency International, 2018:4). Some of the clear case of security votes as a conduit-pipe of corruption in Nigeria are the alleged diversion of the Nigerian Air Force (NAF) funds for personal enrichment and the acquisition of property in choice areas of Abuja by the former Chief of Defence Staff, Alex Badeh, and the former ONSA's diversion of money meant to fight Boko Haram for national prayers and other awfully scandalous expenses. The opaque security budget proposed for the conduct of the 2019 elections in the country was said to be more than the annual budget of the Nigerian Navy and Air Force put together (Transparency International, 2018). In view of the need to ensure prudent expenditure on the proposed budget, CSOs initiated a somewhat early bird whistle-blowing alarm for Nigerians.

It is important to ask the question: Why the gradual erosion of public trust in a government that has thus far shown its determination to fight corruption? The answer to this question is not far-fetched. A situation where a change in government has not

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brought with it a change in the attitude of public servants despite the mantra of change poses a serious question on the nagging character of corruption among "predator elites". This concern has further inspired CSOs to search for answers and the possible remedy to the situation. In a study carried out in six geo-political zones by the CCSI, it was found out that the triple factors of "greed, godfatherism and gratification" were the motivators that sustain corruption in the country (*Vanguard*, July 3, 2018).

Moreover, if the experience of the last three years of the change mantra regime is anything to go by, the CSOs, while concurring with the federal government, argue that even the judiciary is not helping matters in the fight against graft. It is also haunted by the research-established triple heritage that virtually affects every institution in the country. The problem has been compounded by the absence of a holistic framework to fight corruption. The federal government is challenged for losing a number of corruption cases on the ground of lack of proper investigation and poor prosecution, but such experience could be seen as partly a result of a corrupt judicial system. Through the technicalities of law rather than the thorough investigation of cases, some corrupt persons were tried but eventually acquitted. In most cases, the accused persons put together teams of paid and experienced lawyers better than those of the government.

Though the civil society commended the Nigerian state for the setting up of a National Prosecution Agency (NPA) to prosecute cases of corruption, the institution has not yielded any fruitful result in the actual prosecution of cases. In fact, the NPA has not yet seen the light of the day largely because no funds have been allocated to it. It is rendered lifeless at birth, since it is not assigned any corrupt case to try (Falana, 2017). These are some of the reasons why a Senior Advocate of Nigeria (SAN) as well as human rights lawyer, Femi Falana, disagreed with CSOs' position that the loss of prosecution cases has been the result of corruption fighting back. Instead, the lawyer attributed the situation to what he called "official negligence", lack of inter-agency collaboration and coordination and

lack of proper investigation and prosecution of corruption cases by the federal government.

In view of their conviction that the courts have their hand in obstructing the prosecution of corrupt cases, CSOs called for a more proactive and vibrant judicial system to try and prosecute prominent politicians accused of corrupt charges. At another level, lawyers with a strong passion for anti-corruption have become more active and serious over the role of the judiciary in handling corruption. This has prompted the launching of a CSO among lawyers called the Lawyers Network Against Corruption (LNAC) in March 2018. The Nigerian Bar Association (NBA) too plays a crucial role in this regard. For many years before now, the Association has been conducting discussion series on corruption, otherwise known as the NBA Anti-corruption Master Class, in which lawyers discuss their role in the anti-corruption fight with a view to train and sensitise members to participate in the fight in their discharge of professional activities. Other CSO fora and platforms include: The Action Aid's "Trending Corruption Issues in Nigeria".

In a situation where advocacy tends to yield little success in their call for change within the professional domain of lawyers, CSOs have resorted to open protests at the National Assembly. Such was the case in 2016 when a coalition of CSOs under the aegis of the National Support for Good Governance (NSUGG) went to the Assembly demanding for the prosecution of seven judges, who were arrested by the DSS over the allegation of corruption. The group said it was wrong for the NASS to summon or question the arrested judges, needless to ask them to appear before its committee on judiciary. Their message to NASS was aptly captured in one of the placards carried by the protesters, which said: "The judiciary is not under attack; it is the corrupt judges that are under attack and should be jailed if found guilty".

The Achievements, Challenges and Prospects of CSOs in the Fight Against Corruption

Achievements

Measuring the success of CSOs in the fight against corruption is a difficult task because the key variable to be used in the assessment of "success" is the reduction of corruption (Setiyono and McLeod, 2010:348). Measuring its reduction in Nigeria is rather a function of many factors, including the administrative, the institutional, the systemic behavioural and the economic indices. However, at the level of CSOs' engagement with the state, its institutional and legal framework *vis-à-vis* the corrupt practices among public officers, it can be argued that measuring the successes of anti-corruption civic organisations must focus on their degree of involvement in their struggles, their level of organisational platforms to wage the fight and the extent or frontiers of their coalition against the act as well as their robustness in the sustenance of their campaigns and the outcome of the feedback they receive from the state and society. The proper assessment of the extent of the satisfaction of the latter with the activities of CSOs on anti-corruption can only be achieved through empirical survey research. Nevertheless, using the content analysis adopted in this chapter, one can make extrapolations and measure the performance of CSOs and the extent to which they key into the change mantra since 2015.

Through demand for an update on corruption and anti-corruption agencies, mainstreaming citizens to support the anti-graft reforms of the government using various sensitisation platforms, whistle-blowing, monitoring and reporting corruption, CSOs have been able to hold government accountable on the issues of corruption. Leveraging on the opening created since the return to civilian rule, they have exposed high levels corruption in the country. For example, on the one hand, while the Socio-Economic Rights and Accountability Project (SERAP) single-handedly obtained a court order to compel the federal government to disclose the recovery of looted wealth and assets recovered since 1999, on the other hand, the Legal Defence Assistance Project (LEPAD) was able to obtain a court order to force the National Assembly to disclose the salaries and allowances of all federal legislators. This feat was also achieved

by a few other CSOs that secured court orders, leading to the disclosure of information on contract sums for some projects (Falana. 2017).

The CISLAC, which, alongside other CSOs, had championed the passage of the Nigerian Extractive Industries Transparency Initiative law, Fiscal Responsibility Law and the Freedom of Information bill, also spearheaded the advocacy that led to the passage of the Tobacco Bill, the National Health Act and the Mutual Assistance in Criminal Matters and Witness Protection Bills by the 8th Senate in 2017. A bill to establish Special Anti-Corruption Amendment Courts was sent to the Constitution Amendment Committee of the Senate and the Proceeds of Crime Bill to the Senate Joint Committee on Anti-Corruption and Judiciary.

Also, through synergy, partnership and networking with national and international sister anti-corruptions organisations and agencies, CSOs have been able to extend the frontiers of the nation to other parts of Africa, Europe and America. In 2016, 157 African CSOs, with the representation of those from Nigeria, wrote an open letter to African leaders demanding for an end to corruption, with the hash tag #End Corruption Now. Therefore, it is no wonder that in October 2015, a few months after the formal swearing-in of the new president, the Socio-Economic Rights and Accountability Project (SERAP) submitted a petition to the office of the Special Prosecutor of the International Criminal Court alleging the commission of crime against humanity by military officers and other security officers, who diverted $15 billion earmarked for the procurement of arms and ammunition to fight Boko Haram insurgency during the Jonathan administration.

Similarly, in recognition of the important role of anti-corruption CSOs, as stakeholders in fighting corruption, the first Global Forum on Asset Recovery(GFAR) held in Washington, DC in December 2017 had in attendance over 30 CSOs from the four focus countries: Nigeria, Sri Lanka, Tunisia and Ukraine. The following local CSOs participated at the summit: the African Network for Environment

and Economic Justice (ANEEJ), the Human and Environmental Development Agency (HEDA), the Nigerian Centre for Leadership, Strategy and Development (NCLSD), the Centre for Democracy and Development (CDD), SERAP, the Nigerian Network on Stolen Assets (NWSA), CISLAC, the Nigeria Transparency International (NTI) and the Nigeria Policy Alert.

It is important to note that the audacity to fight corruption by CSOs has always been boosted with the support of international agencies that have mandates or projects on anti-corruption. As indicated earlier, the return to civilian rule in 1999 coincided with a shift of focus on areas of intervention by international donor agencies in third wave democracies. In the past, emphasis was on bringing military rule to an end but following the return to civilian rule in most of these countries, the paradigm of development assistance shifted to strengthening the capacity of democratic institutions. Fighting corruption is one area identified by the development agencies for support. Thus, CSOs working on corruption had a field day, particularly with the installation of a government that gives anti-corruption agenda a top priority.

In July 2017 alone, the MacArthur Foundation injected $9million in strengthening anti-corruption and pro-accountability activities in Nigeria. Another sum of $6.5million (over N2billion) was spent for the same purposes, with the Washington DC-based Accountability Research Centre, in partnership with the CDD and CITAD in Kano, serving as the implementer of the grant. Other beneficiaries of the projects are the Legal Defence Assistance Project, the Policy and Legal Advocacy Centre, the Shehu Musa Yar'adua Foundation and the Women's Rights Advancement and Protection Alternative (WRAPA). The funding was meant to support efforts by CSOs to provide platforms and forums for social discourse around accountability and anti-corruption in advance of the 2019 elections. The grant also covered the support to Chatham House in London, which would undertake research on the efficiency of behavioural change strategies to reduce corruption and promote accountability in Nigeria (*Intervention*, June 21, 2018).

Similarly, as part of an ongoing project called Integrity, Mobilisation, Participation, Accountability, Anti-corruption and Transparency in Nigeria (IMPACT Nigeria), in collaboration with the TI-International Secretariat, Berlin and support from Global Affairs Canada, CISLAC is setting up Advocacy and Legal Advice Centre desks in three (3) geo-political zones of the country. This is to extend the scope of the coverage of reporting corrupt practices to six geo-political zones in the country for citizens who wish to do so. The programme was launched in Lagos with the training of six focal staff of Arise Nigerian Woman Foundation (ANWF), the partner organisation hosting the Advocacy and Legal Advice Centre (ALAC) in the state were trained in July 2018. In the last two years, CISLAC had organised Corruption Risk Assessment Training for partner organisations across three geo-political zones (south-south, south-west and north-west).

Challenges

Despite the increasing role of CSOs in the fight against corruption under Muhammadu Buhari's stewardship of the change mantra, they are still grappling with challenges. In some cases, these challenges constrain their capacity to impact most profoundly on fighting corruption. To say the least, as they fight corruption, CSOs are taking the risk of a backlash with corruption perpetrators reacting either covertly or in the open. However, it is also important to argue that the challenges usually faced by anti-corruption CSOs are mainly internal and external to the organisations. One of the internally-induced challenges is the paucity of anti-corruption CSOs. There are hundreds of thousands of civic associations in Nigeria with diverse mandates, scopes of operation and organisational ability but the domain of anti-corruption is the exclusive preserve of professionals, mainly lawyers and social scientists with high commitment to active struggles for transparency and accountability or those who acquire such skills through a long process of on-the-job training. Such resource persons with high level capacity to establish robust CSOs are not easily obtainable.

The Nigerian case also shows that the mandates of CSOs fighting corruption overlap to the extent that they incorporate anti-corruption

CSOs and others that specialise in human rights, women empowerment, communication, policy issues, legislative mandates, poverty, governance, etc. Most of the coalitions are only alive when an anti-corruption issue is raised or circumstances determine the intervention of such CSOs.

There is the problem of the lack of the availability of substantive information about the profile of corrupt cases or even cogent data to serve as a searchlight to undertake efficient and effective whistle-blowing functions. Despite the signing of the Freedom of Information (FOI) Bill, reliable data and statistics about who stole what, how much and when are scanty before CSOs. This is not to suggest that CSOs fighting corruption do not have independent sources of information. Rather, much of their source information is from ongoing investigations of corrupt cases by the existing anti-graft agencies in the country. This has resulted into a situation in which CSOs are, to use Ukase and Audu's (2015:189) words, typically "reactive rather than pro-active" on matters of fighting corruption.

In addition, the resources available to anti-corruption CSOs are mainly sourced from international donor agencies, particularly the United States Agency for International Development (USAID), the Department for International Development (DFID), Oxfam, the Canadian International Development Agency (CIDA), MacArthur and the United Nations Development Programme (UNDP), among other leading donors in Nigeria. Independent, self-conceived and initiated projects by anti-corruption CSOs are very rare unless funds are made available from outside the country. This is a serious challenge not only to the fight against corruption but also the security implications of such donor support can hardly be comprehended. In most cases, corruption is perpetrated by most of the countries that have purportedly been supporting its fight in Nigeria. Okafor and Olugbuo (2012) pointed out that foreign companies and fraudulent individuals were culprits in aiding and abetting cases of corruption.

At another level, reinforced by their desire to remain vibrant in the NGO sector and always be relevant as key actors, competition among the CSOs ensued. One of the fallout of this pattern of relationship is the development of a "cold war" among the country's leading anti-corruption coalitions. This is to say that despite portraying a common stand and speaking in one voice in the fight against corruption, as usual, CSOs in Nigeria are not a monolithic entity. They have their weak points, which are often obscured by their relative tolerance and social cohesion. A deep insight into their organisational capacity gives a telescopic view of silent rivalry that indicates lack of unity. The rivalry is informed by existential motive and competition over which organisation can have what and when from donors. On the one hand, CISLAC and its close partner CSOs under the aegis of the Zero Corruption Coalition have been taking the lead in the anti-corruption campaign, while, on the other, there exists another group, the Nigerian Civil Society Situation Room, led by PLAC and its visible ally, SERAP, which constitutes a corresponding platform in the fight.

Another salient challenge that is often overlooked is the contradiction or irony of the fight against corruption while it thrives from within civil society itself. Though it is difficult to determine empirically, its smoke can be inhaled even from a distance. First, while the government and the CSOs are conducting anti-corruption campaigns, the latter has been described as part of the problem. Once corrupt people are arrested, human rights CSOs are in most cases the first to speak under the guise of human rights to cry foul and accuse anti-corruption agencies of violating the rights of the accused persons on the presumption of innocence. Thus, as the convener of the "Say No Campaign", Ezenwa Nwagwu, once expressed that: "CSOs need to run away from the narrative of the corrupt. We are part of the problem; we help the corrupt to build the narrative. Somebody is arrested for corruption; it is civil society who will be saying that the government is selective…" (Quoted in *Today*, December 9, 2017).

Second, CSOs are also not insulated from the very monster they are fighting. Beyond the implied perception that anti-corruption CSOs

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are considered decent and highly principled in their fight against corruption, there are still some CSOs in Nigeria that are sham, corrupt and highly opportunistic in their search for the goldmine of donor funds. This point has been documented (Smith, 2007, 2010 and 2018; Page, 2018) and needs not to detain us except to add that there are phonies among CSOs. This has been aptly observed by the President of the Godsent Foundation, Dion Osagie, when he averred that about 70 percent of NGOs in Nigeria were fraudsters, noting that over $200 million donated to them yearly ended up in the private accounts of the owners of such organisations (*Guardian*, May 10, 2017). This is a serious snag in the CSOs' quest for social justice, human rights and accountability.

In any case, this issue brings us to one of the external challenges of the CSOs in the fight against corruption. This has to do with the introduction of the proposed new legal framework for CSOs and the likely threat it will pose to the anti-corruption fight. Though Nigeria is placed among the countries that have their legal framework evolving (not sustained) in the USAID's African CSOs Sustainability Index (2016), the threat by the NASS to introduce its proposed bill for the establishment of Non-governmental Organisation Regulatory Commission will serve as a game changer in that regard. As it were, the proposed bill will allow for the setting up of an NGO Regulatory Commission, with far-reaching powers of oversights over the affairs of CSOs operating in the country. Indirectly, taming CSOs under a democratic setting means gagging and taking their attention away from consistently fighting predator elites. Needless to say that in Nigeria NGOs are registered by the Corporate Affairs Commission (CAC) and need no further regulation that will make their registration subjected under tight provisions.

Thus, considering the pressure mounted on the 8th NASS by the anti-corruption NGOs on different issues bordering on graft, the proposed bill is indirectly one way of fighting back the fighters of corruption, especially corrupt cases that affect some of the so-called honourable members. Second, if NGOs were to register as incorporated trustees under the Companies and Allied Matters Act

(CAMA), as the bill proposes, it means the CSOs are required to file annual returns every year on their activities, comply with local or tax laws and, where necessary, the government will take over their properties (NGO Regulatory Bill, 2016).

Clearly, the bill is a major threat to anti-corruption CSOs whose main source of funds is through the support of international donors. It will create unnecessary procrastination in the implementation of projects that require swift action. For example, clauses 25 (c) and 29 (1) of the bill require that funds pledged by donors must be disclosed before the commencement of the project (Policy and Legal Advocacy *Factsheet*, July 2017:4). The politics of this bill is really to torpedo the activities of CSOs. This is evident because a report indicates that countries with the least protection of NGOs tend to have the worst rates of corruption (TI, Corruption Perception Index, 2017).

Prospects

Despite the shortcomings observed above, CSOs have a great prospect in advancing the cause of the anti-corruption crusade of the federal government. This is because regardless of the odds in the environment since 2015, the country presently has a brighter opportunity to fight corruption cases, especially since the fight against graft is not the sole responsibility of the government, but requires the support and cooperation of other stakeholders. CSOs are the well-informed sector of the society that can expose corrupt officials, as they owe it a duty to mobilise and sensitise the society to take the fight to the next level. In some cases, local CSOs hardly make a dividing line between corruption and riches, leading them to conclude that being in public trust and accumulating riches overnight are a divine blessing. They need to be adequately educated about the meaning, nature and scope of corruption and its impact in stultifying the process of national development. Therefore, the organised, well informed and urban-based CSOs need to shoulder the responsibility of empowering Community-Based Organisations (CBOs) in Local Government Areas (LGAs), rural communities, towns and villages, particularly in Northern Nigeria, where such organisations are largely under-developed with a small number of

human rights and civil liberties NGOs compared to the Southwest or South-south (Walker, 1999).

The prospects of CSOs to carry out this role lie in partnership with the government's anti-corruption agencies and other stakeholders to sustain the fight and to ensure that corrupt officials are prosecuted and whistle blowers protected. The clamour for the amendment of Nigeria's legal documents and precepts on corruption to conform to the best practices to ensure speedy actions is also essential.

The recognition of anti-corruption CSOs by international stakeholders is an excellent experience and a fertile ground for a further drive into many fronts of anti-corruption struggles, including that of the African continent at large. For the Nigerian CSOs to leverage on this glaring opportunity, they need to consolidate their activities by exhibiting transparency, accountability and social justice as well as strategise much more assertively to win the hearts of other formal and semi-formal CSOs and Community-Based Development Organisations (CBOs), religious and tribal groups, women associations, academics and students to mainstream into the government's clarion call for change. Change really begins with each individual to get a broad-based change in the attitude and behaviour of a society. It is different individuals who make up the society and government is the product of the latter operated by the very people who sprout from the society. Put differently; if a society is corrupt the causative agent of corruption lies in the very society that produces corrupt public servants.

Conclusion

The phenomenon of corruption in Nigeria traverses various institutions but its roots can be traced to the leadership question and bad governance that have kept trailing the country before and after independence. The trajectory of military and civilian rule in a society that was exposed to the petro-dollar in the face of weak institutional mechanisms and the political will to fight graft have engendered a cyclical process and spiralling increase in corrupt practices among the public officials entrusted with public resources.

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The return to democracy since 1999 has, paradoxically, made the Nigerian case a precarious one, as looters looted the public treasury on a permanent basis until the drift reached an alarming rate to the extent that countrymen saw a scenario whereby if the country did not kill corruption the monster would kill it. Thus, if anything, the change mantra of the opposition party and its campaign promise, which revolves around fighting corruption head-on, had given a serious blow to the People's Democratic Party (PDP) and provided the gateway for the new ruling party, the All Progressives Congress (APC), the opportunity to wrest power. CSOs found it more comfortable to mainstream into the change mantra campaign and bowed to support the government in changing the business-as-usual mode of unrestrained corruption. They are the real partners who doggedly expose corruption and the weaknesses of the Nigerian state regardless of any political divides or idiosyncrasies. Though they have achieved a great deal in that struggle, their efforts are retarded by the very sluggishness of the government in the fight and by the mischief of predators determined to sabotage the anti-corruption crusade.

Therefore, to sustain the fight against corruption, CSOs need to partner with the state and other stakeholders, including the media, academics, students, community development associations, labour unions and other professional associations, to make Nigeria realise its noble goal of having a corrupt-free society. CSOs can reach out to the grassroots effectively when they are visible in communities and cities. Their prospects in the anti-corruption fight, therefore, depend on forming a formidable synergy with all stakeholders, who are sincerely bold to make the difference between the country's past and the nauseating experience of corruption and the opportunities created by the renewed government's efforts in fighting the menace today.

CHAPTER TEN

Reforming the Political Environment: Panacea for Hitch-Free Elections in Nigeria[1]

Introduction

A political system is made up of various institutions, groups and actors because it is composed of inter-related and inter-connected parts that organically work together to make up the whole society. One of the essential embodiments of a political system is its environment, which survives and functions effectively to make the system an effective instrument of development. When a political system is inappropriately operated and functions epileptically and inconsistent with its basic rules, a serious dilemma is created which could serve as a source of all sorts of indignation. Thus, the scope of political environment is boundless since within its demands are made and translated into policy actions, disagreement is reconciled and contestation addressed. In a plural society like Nigeria where political competitions are high, the process of nurturing a virile democratic culture requires a constant adjustment of political relationships that exist in her political environment in order to achieve democratic consolidation and sustainability. This adjustment goes beyond the mere confines of reforming the society but also its political process and institutions.

One of the institutions of modern art of government is democracy. It is a system of government in which people's interests are represented in the process of governance. The hallmark of democracy revolves around the process of selecting leaders, who are expected to be responsive and responsible to those who elected them,

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[1]Presented at a One-day sensitisation workshop on Civic and Political Education for the North, organised by the Sir Abubakar Tafawa Balewa Inspirational Leadership Forum (SATBILA FORUM), held at Mambayya House, Bayero University, Kano, Tuesday 17 November 2009.

i.e. the electorate. Election is central to any democratic process. It provides a peaceful transfer of power from one government to another and helps to establish a peaceful co-existence among the different people and social groups that make up a society. Indeed, the conduct of free, fair and credible elections is an important benchmark for assessing the viability of any democratic process. In the current democratic transition in Nigeria the conduct of free, fair, credible and transparent election that will usher in an unstoppable route in the country's journey to democratic consolidation is badly needed for the sustenance of her nascent democracy. The centrality of elections in Nigeria cannot be overstated given the complex issues of the country's democratic experiences in the last seven years when the past elections in some states in the federation and at the central government were marred by electoral malpractices and fraud. In some cases, the process and outcome of elections were occasioned with protests, petitions and violent conflicts.

In short, one of the ways to reform the political environment is actually by reforming its electoral laws, conduct and practice for wider participation and acceptability. It was against the background of the need to reforming the Nigeria's electoral system following the experiences of the 1999, 2003 and 2007 elections that President Umaru Musa Yar'adua set up the National Electoral Reform Committee to look into the problems of Nigeria's Elections with a view to recommending lasting solutions to them. The questions to ask are: what kind of re-structuring does Nigeria need in reforming her political environment? Can this reform serve as a panacea to election problems in Nigeria?

This chapter examines the importance of reforming Nigeria's political environment towards free and fair elections. It is divided into six sections. The first section is the introduction. The second section defines key concepts relevant to the subject of discussion, while in the third section some important dilemmas of conducting hitch-free elections in Nigeria are examined. The fourth section of the chapter examines what should be done to reform Nigeria's political environment and to ensure hitch-free elections. The sixth section concludes the chapter.

Politics, Political Environment and Election – Operational Definitions

Politics is in everyday life of human interactions and social relations. It is for this reason that philosophers like Aristotle argued that man is a social and political animal because every community or individual is affected by one kind of political activity or the other. The central concept of politics is power. Therefore, the struggle for power is regarded as politics. Thus, for the purpose of this presentation, politics is defined as striving to share power or influence its distribution; it involves completion for values, their acquisition and retention.

Political environment is a term used by system theorists to denote the totality of political milieu within which political interactions and relationships are established. It is an embodiment of various interests and needs, which are processed into output. The scope of any political environment is determined by its political system, its institutions and groups and their demands. Under a democratic system of government, a political environment involves the institutions of horizontal accountability, i.e. the executive, the legislature and the judiciary and how each one relates with another. The environment of a political system is not closed, except under military or dictatorial regimes; it is open under a democratic system because of the existence of the rule of law, the protection and promotion of human rights, accountability and transparency as well as checks and balances. If the political environment has nurtured democratic values and entrenched legitimacy and accountability in governance, elections are likely to be transparent, credible and acceptable. Conversely, when the political system is in disarray and the rules of political game are overly abused and misused by one or all of its organic institutions, elections are likely to be marred by the persistent disregard of the rule of law. It is in the context of a viable political system and environment that one can say democracy flourishes under the aegis of acceptable elections.

Thus, democracy and elections are two sides of the same coin. The former depends on the latter for its sustenance and development. However, the mere conduct of elections or the existence of electoral

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institutions does not mean that democracy is institutionalised in a political environment. There may be elections without democracy, but there can be no democracy without elections. In this sense, election is the process and the means of realising a representative government because it is the crucial element of recruiting leaders, of local, states and national governments (Yaqub, 2006). According to Ujo (2004:1), election can also be described as "a procedure that allows members of an organisation or community to choose representatives who will hold positions of authority within it". A free and fair election is therefore needed in a democratic setting in order to legitimise winners and promote public accountability.

Nigeria's Political Environment and the Dilemmas of Elections
According to Mackenzie (in Ujo, 2004:2), there are four conditions of free and fair elections. These are an independent judiciary, an independent electoral body, a well developed system of political parties and the acceptance of the rules of the political game by politicians and their party supporters. In the context of Nigeria, an addition could be made to Mackenzie's four conditions: socio-economic factors, such as weak democratic institutions and values. When competition for power is intense and motivated by the need to perpetuate domination, the "loser" is made to be subservient in the hands of the "winner" and is marginalised in the actual resource allocation in his country. The final result of this politicking is that it breeds zero-tolerance on the part of the winners and the losers of elections. Consequently, the dissatisfaction with the actual outcome of election results means the inability of politicians to accept defeat. Political entrepreneurs who do not want to take "risk of their investment" view politics as a "matter of life or death". Here, too, the perception of democracy from the political class is fundamentally different from the liberal conception of representative government. According to Tamuno (2003:29), the conception and perception of politics in Nigeria since 1970s have produced triplets of particularistic, narrow-minded and violent-prone motives: "One, wealth, two, power and three, fame".

The outcome of the politics of 'do-or-die' is the creation of political intolerance, which is nurtured in the minds of politicians in order to

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reap the benefits of their huge 'investment'. Anything that could thwart their attempts of actualising this goal is reacted to with violence. In fact, the bad use of money in Nigerian politics manifests itself in various ways; money is used to effectively control the process and influence the outcome of elections. In a more bizarre expression of this pattern of political culture money is used to "buy" votes from the electorate, hire political thugs and bribe election officials and security personnel at the polling booth.

The experience of civilian rule in Nigeria since 1999 has shown that political corruption has been deeply embedded in the country's political process. Once politicians control power they always want to retain it by whatever means possible. Consequent upon this crony politics, the profound increase in politics of "god-fatherism" increased as the control of public office becomes an avenue for personal enrichment through the process of primitive accumulation (Ayoade, 1998). Thus, despite establishing institutions designed to check political corruption such as the Independent Corrupt Practices and Other Related Offenses (ICPC) and the Economic and Financial Crimes Commission (EFCC), the phenomenon of corruption continues and becomes an endemic culture in the country. In most cases, these institutions are incapacitated through politicisation and, therefore, become very selective and discriminatory in their dealings with corrupt public officers and politicians. With particular reference to election, Aiyede (2008:41) aptly notes:

> In Nigeria, corruption has made election results to have very little or nothing to do with the performance in office of politicians. Precisely because performance is not a critical factor in electoral outcome, the incentive to perform is very weak. And because corruption is effective in achieving electoral victory the incentive to resort to corrupt practices is very high.

The case of Anambra State in the aftermath of the 2003 elections is a case in point to illustrate how brazenly corruption has become in Nigeria's democratic process. Chris Uba, the 'godfather' of Anambra State politics and the Special Adviser to President Obasanjo, ran into problems with his protégé, the State Governor,

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Chris Ngige, and, therefore, insisted that the Governor must either dance to his tune and respect the 'pay-off' deals between them or lose his appointment. The political brouhaha between the two politicians threw the state into a political stalemate until the legal battle was finally settled when the Supreme Court invalidated Ngige's election and Mr. Peter Obi, who won the election in the first instance, was declared the Governor of the state. The point to note in Anambra State's political imbroglio is the weak position of INEC *vis-à-vis* the 'power' of 'political entrepreneurs' in the country. In the issuing debacle in Anambra State, the People's Democratic Party (PDP) on whose platform Ngige contested the state gubernatorial election in 2003 admitted that he was not duly elected (Smah, 2008:68), but for the influence and money politics of his 'godfather', Chris Uba. This is to say that political corruption is also facilitated by a strong institution of democracy in Nigeria (Aiyede, 2008; CDP/CDRT Report on Financing Political Parties in Nigeria, 2008).

The journey so far in Nigeria's democratisation process also reveals the dominance of one political party over many others in both the electoral performance and control of public office. The ruling party, the PDP, dominated the contest of political competition for power. Despite the formation of the Conference on Nigerian Political Parties (CNPP) in 2003 as a coalition of opposition against the ruling party, the supremacy of the party in the political struggles for power remained untouched. The registration of fifty political parties to contest the 2007 elections, with only the All Nigeria People's Party (ANPP) and the newly formed but lately registered Action Congress (AC), seemed to have, on the surface, created the strongest opposition against the PDP. In practice, however, the political landscape was clear that the PDP had virtually shielded itself with all the mechanisms for the control of power in the country. Public opinion had alluded to the fact that the trend in which one party controls power to the disadvantage of 'weak' political parties is a dangerous scenario in Nigerian politics. This view had been seriously expressed by the civil society in various public hearings held across the country during the visit of the National Electoral Reform Committee set up by President Umaru Musa Yar'adua in 2008 to the six geo-political zones.

Another dilemma in Nigeria's political environment is the difficult economic situation in our society which helps politicians to easily mobilise political brigands, who are mainly youths, for reckless political foot soldiering, political assault, arson and assassination. As the economic situation easily provokes anger and frustration largely due to unemployment, it also reinforces youth restiveness. While, on the one hand, politicians spoke about the dividends of democracy in terms of unquantifiable indices, on the other hand, the living condition of the ordinary people remained deplorable. In 2005, the United Nations Human Development Report ranked Nigeria 151 out of 177 poorest countries. The Report also stated that more than 54.4% of Nigerians lived in abject poverty and on less than one dollar ($1) a day (in Asowata, 2005). As poverty, hunger and diseases afflict a large number of people they become easy vehicles for mobilisation by politicians, who offer them money in order to engage their energies in violent political activities.

Since the end of military rule, the dream of Nigerians has been civilian rule, which could turn around the crippling economy inherited from the past authoritarian regimes and entrench the process of development for economic prosperity and greater democratic dividends. In other words, questions about the relationship between democracy and development and the extent to which the two coexist to re-launch the nation on the path of sustainable socio-economic changes occupied the minds of the already disillusioned Nigerians (Jega, 2003). In his analysis of the causes of authoritarian reversals, Svolik (2007) argues that there is a close nexus between the level of economic development in a country and its susceptibility to democratic reversals. If the economy is essentially directed towards the "liberalisation" of democracy, the process of economic redistribution is likely to become a mirage, as only the interests of a few politicians and neo-liberal institutions are at stake, while the majority of the people are disempowered (Hippler, 1995). It is in this connection that what Hippler (1995:15) calls "market democracy" is reflected in Nigeria with the unveiling of the economic reform policies of the civilian regime.

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Political and Electoral Reforms in Nigeria: Towards Hitch-Free Elections

One of the critical issues of any evolving democracy, particularly at a critical transitional phase of its development, is how to achieve peaceful, acceptable and violence-free elections. In most of the so-called "third wave" democracies of Africa, Asia and Latin American countries, the dilemma of their democratisation lies in achieving a sustainable electoral process. In societies where the democratic system has survived and is flourishing over the years, the underlying success lies in the conduct of violence-free and credible elections. Therefore, most developed democracies of Western Europe and North America have achieved a greater social, economic and political development than countries where prolonged periods of military rule or one-party dictatorship have spanned over their political development as nations. This is not to suggest that hitch-free elections totally elude developing societies. The experiences of India, Venezuela, Egypt, Senegal and recently South Africa are cases in point where violence-free elections have contributed to the development of democracy and sustainable development.

Evidences from India, one of the largest and enduring democracies in developing countries, and Venezuela in Latin America suggest that democracy and development, though as a rule they do not always go together, are ingredients of a sustainable, peaceful and autonomous development. Thus, Nigeria stands to gain from reforms of her political environment for political legitimacy and peaceful democratic transitions. Therefore, what are the areas and benefits of these reforms?

There is the urgent need to strengthening the institutions of governance. Political institutions in Nigeria are weak; they do not help in the entrenchment of transparency and legitimisation of the outcome of elections. Political legitimacy in a democratic society is a function of credible, transparent and violent-free elections. Citizens in democratic societies legitimise their government because the process in which governance thrives is based on conventional means. Political legitimacy is therefore associated with obedience from citizens because it is much easier to get the loyalty, respect and

popular will of the people when they comply with the laws of their country based on their belief in the legitimacy of the authority. Violence-free elections serve as a yardstick for measuring people's compliance with government's policies and their support during hard times or against the backdrop of any real or imaginary enemy, state or individual. In Venezuela, the late President Hugo Chavez's government was supported across the broad spectrum of the country's compatriots, even against the background of America's negative stereotype of the government, as a mark of his legitimate coming for the second time as the leader of the country.

One of the indices of measuring the capability of any democratic system is the ability of the citizens of a country to reach compromise and accept the verdicts of elections in good faith. In this way, a positive political culture endures when political socialisation is purposeful and goal oriented. Citizens of any democratic society learn over time and the quickest means of imbibing democracy is by understanding it as an instrument of good governance, respect for the rule of law and the provision of peoples' developmental needs. In developed democracies of Western societies, the means of changing an unpopular government is through massive participation in election, which is seen as an exercise of basic civic responsibility of any citizen eligible to vote. Relevant institutions, such as INEC, should wage a campaign that would create massive awareness about the rights, duties and responsibilities of the electorate in order to raise the confidence of the people and make them participate in the process of determining their mandates.

It is also important to begin to embrace the idea of reforming the police and other security agencies to adopt and adapt to democratic norms in their relations with civil society. Security agents have a far-reaching role to play in maintaining law and order and in promoting the internal security of Nigeria. They should be impartial during the conduct of elections in order to avoid militarising the electoral process. The tract record of the police in reducing election rigging and violence leaves much to be desired and the task ahead is surely challenging. The security forces in the administration of law and order during elections require impartiality and the high display

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of professional ethics. In most elections held since the birth of the Fourth Republic, some policemen and security agents were reported to have aided and abetted electoral malpractices. Unless the Nigerian Police Force exhibits its true professional training as a preserver of national peace by being neutral and impartial in the discharge of its duties at the polling booth and during the vote counts, electoral violence could hardly be forestalled during or after elections. The police and other security agents should be trained on how to oversee elections objectively and in a non-partisan manner to reflect their true professionalism and be seen to be enforcing the law within the provision of the extant legal provisions.

Reforming the Party System

The journey so far in Nigeria's democratisation process also reveals the dominance of one political party over many others in both the electoral performance and the control of public office. The then ruling PDP has overly dominated the contest of political competition for power. Despite the formation of the Conference on Nigerian Political Parties (CNPP) in 2003 as a coalition of opposition against the ruling party, the supremacy of the party in the political struggles for power has remained untouched. The registration of fifty political parties to contest the 2007 elections, with only the All Nigeria People's Party (ANPP) and the lately registered Action Congress (AC), seemed to have, on the surface, created the strongest opposition against the PDP. In practice, however, the political landscape was clear that the PDP had virtually shielded itself with all the mechanisms for the control of power in the country. Public opinion alluded to the fact that the current trend in which one party controls power to the disadvantage of 'weak' political parties is a dangerous scenario in Nigerian politics. Thus, unless the country's structure of party system is made simple and competitive, the current state in which too many political parties compete for power would continue to bastardise the principles of political participation and popular choice.

The reform of the party system can be made in such a way that the electoral system is changed from the usual "winner takes all" phenomenon to proportional representation in which a percentage of

the votes of political parties would serve as the basis of representation in the government at all tiers.

There is the need to make courts and tribunals effective instruments of justice. The experiences of judges in election litigation show that INEC often frustrates their efforts by not allowing the courts access to documents and other materials used during elections on request. This often elongates election petitions.

Civic education on the electioneering campaigns of parties needs to be continued and pursued vigorously by the institutions of government and civil society organisations. The society should be made to understand that elections are more than a process of changing the mantle of leadership from one party to another or from one person to another. They are by extension a means of development and national integration. Indeed, the conduct of successful elections in Nigeria is a success for Africa because such positive development has its global and continental ramifications (Ade, 2006).

The conduct of election rigging in Nigeria is a signal to other African states that Nigeria cannot make a successful transition to democracy, a "hurdle" already crossed by countries like Senegal, Ghana and South Africa. A successful electoral process is a pride for the country in its search of the democratic alternative spectrum of resolving political, economic and social problems.

The efforts of some CSOs in the area of public enlightenment on peaceful conduct of election, such as voter education and sensitisation campaigns, are commendable. On its part, however, INEC should enforce the provision of Section 97(6) of the Electoral Act (2006:A51) which says:

> No political party, person or candidate shall keep or use private security organisation, vanguard or any other group or individual by whatever name called for the purpose of providing security, assisting or aiding the political party or candidate in whatever manner during campaigns, rallies, processions or elections.

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There is also the need to use well qualified and trained officials of the electoral body. The idea of involving members of the National Youth Service Corps (NYSC) as election officials in 2011 elections is a welcome development. However, the need for the training of such ad-hoc personnel needs to be carried out long before elections, so that they would learn to shun partisanship and the art of election administration and monitoring. Both permanent and ad-hoc staff of INEC must be trained and made to imbibe the principle of neutrality and professionalism in the conduct of their duties and in the management of elections.

At another level, politicians should make it a duty to learn the art of the politics of tolerance and respect for the outcome of elections. In mature democracies of the world, both winners and losers in elections share one common goal: the sustainability of the democratic system that brings them into contest for power. This is important because the perception of the winner is not to oppress the loser or the majority to marginalise the minority but to work hand-in-hand for the survival of the democratic system or mutually support each other in building confidence for the overall development of the country. Nigerian politics should no longer be seen as an instrument of domination or repression. The most important means of imbibing such a political culture is for political parties and their candidates to respect the Electoral Act 2006. Although the Act contains a lot of limitations and contradictions, its provisions are important guiding principles for the conduct of elections. It is not too late to call for the amendment of the Act but it is better late than never to address some of its fundamental flaws.

It is important to note that while the aforementioned strategies for curbing electoral violence in elections can be considered as short term measures, other strategies may be long term. On the latter, the government needs to come up with purposeful measures that can address the problem of poverty and unemployment among the youth. Unless democratic dividends are seen and actualised in terms of qualitative changes in the living conditions of the ordinary Nigerians, the youth will remain to serve as the foot soldiers of politicians. The

latter would continue to capitalise on the vulnerable condition of the former to hire them as political thugs.

Finally, it is also necessary to reorient the media to work professionally rather than become a tool for spreading information that is baseless and could negatively overheat the polity. The media should also provide balanced reporting of political activities and avoid news that incites hatred among candidates or political parties.

Conclusion

Democratisation in Nigeria has gone through numerous phases since 1999, the good, the bad and the ugly. Essentially, the good story is that the country has not been caught up in another military intervention and gradually but steadily the institutions of democracy, though still weak and have a long way to go, are gaining ground. The bad side of the coin is the country's failure to reform electoral practices despite outcries for alarming misconduct in the successive elections since the return to civilian in 1999. The democratisation process is ugly when the civil society agitated for electoral reform but fails to see the light of the day largely because of the political interests of the ruling class.

Without any contradiction, the future of democracy lies in free, fair and credible elections that are capable of legitimising governance and leadership. Although the country's experience with civilian rule is relatively short compared to other more developed liberal democratic societies, Nigeria can make it, by far even greater than other developing African democracies, if the reform of the political environment is taken seriously.

The areas of reform in a plural federal society like Nigeria are many, but the starting point should be the area of the constitution and the electoral system. Unless careful attention is given to the political re-structuring and revitalisation of the institutions of governance, political corruption and the continued neglect of the rule of law will persist at different phases in Nigeria's journey to consolidating democracy. INEC and other stakeholders must come and embrace

the truism that the democracy project is a collective engagement, which requires the participation of various stakeholders.

CHAPTER ELEVEN

The Benefits of Violence-Free Elections in a Democratic Society[1]

Introduction

Violence-free elections in a political system have its pay offs both locally and internationally. Although there is no free, fair and credible elections per say, yet achieving a result closer to that cherished value is not out of place given the imperatives of political values of tolerance, rule of law, compromise, rationality and selfdiscipline in the routine process of political interactions. Adopting the attitudinal foundation of democracy advanced by Almond and Powell, Jr. and Schedler, this chapter addresses one of the much-aspired goals of democratisation in Nigeria—violence-free elections. It argues that the political dream of realising violence-free elections is achievable provided that election is seen and conducted as a process of legitimising the government and showcasing the maturity or otherwise of the political culture of a society.

It is imperative at the outset to note that democratic consolidation is much more than elections. The latter is a means to an end not an end in itself. This explains why, as a process, election is a contested exercise and, as such, even in developed democracies, free, fair and credible elections are hard to be realised. However, satisfaction with the way democracy is working presupposes that periodic elections are held in order to ensure a smooth change from one government. Democracy is a system of government in which

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peoples' interests are represented in the process of governance. Its hallmark revolves around the process of selecting leaders, who are expected to be responsive and responsible to the electorate in addition to providing good leadership and governance, transparent conduct of public office and a selfless form of leadership devoid of corrupt practices or political vindictiveness against the opposition. Election is central to any democratic process. It provides a peaceful transfer of power from one government to another and helps to establish peaceful co-existence among the different people and social groups that make up a society. Violence-free elections are some of the important benchmarks for assessing the viability of any democratic process. In the current democratic transition in Nigeria, the conduct of free, fair, credible and transparent elections that will usher in an unstoppable route in the country's journey to democratic consolidation is badly needed for the sustenance of democracy.

The centrality of elections in Nigeria is vital, given the complex issues of the country's democratic experiences in the last thirteen years when successive elections in some states in the federation and at the central government were marred by irregularities. In some cases, protests, petitions and violent conflicts followed the process and outcome of elections. This chapter examines the benefits Nigeria can derive from violence-free elections. It is divided into six sections. The first section deals with the general context of election and electoral politics. The second section defines key concepts, while the third discusses the causes of electoral violence in Nigeria. Central to the argument of the chapter is that one cannot talk of the dividends of violence-free election in Nigeria without discussing the basic rudiments of the country's political culture and the character and forms of its political practices as well as its legal, environmental and cultural realities. Based on these, Section Four examines the importance of having violence-free elections in a democracy. The chapter argues that non-violent, free, fair and credible elections are not a function of a single factor but a combination of many factors; the state, the civil society, the security agents, the country's electoral body and the ability of politicians to accept defeat and embrace the constitutional process in the settlement of post election petitions.

The Fifth Section examines the measures of preventing electoral violence in 2007. The Sixth Section concludes the chapter.

Election and Electoral Violence Defined

In any democratic system of government, democracy and elections are two sides of the same coin. The former depends on the latter for its sustenance and development. However, the mere conduct of elections or the existence of electoral institutions does not guarantee the institutionalisation of democracy. There may be elections without democracy, but there can be no democracy without elections. In this sense, election is the process and means of realising a representative government because it is the crucial elements of recruiting leaders, of local, state and national governments (Yaqub, 2006). From this viewpoint, election is a process of the competitive selection of public office holders who would control power and become accountable to their society. Electoral contests require that political parties compete for elective posts. Thus, "a political party, in turn, is a vehicle used by like-minded individuals to contest for power in such a democratic setting" (Yaqub, 2006:8). According to Ujo, election can also be described as "a procedure that allows members of an organisation or community to choose representatives who will hold positions of authority within it" (2004:1).

An election is said to be violent when its processes and outcomes result in physical assault, disruption or disagreement that could render it unacceptable or make it contestable and sometimes fraudulent. By definition, violence is the illegitimate use of force (Bienen, 1982) or the exertion of physical force aimed at injuring, harming or killing an individual or a group of individuals or even destroying public or private property. Hence, violence related to elections can be seen in different forms and levels of the electoral process; it involves threats, obstructing or disrupting the smooth conduct of the elections. Also, it involves physical insults or assault, assassination or disruption of the movements of election materials or attacks on collation centres after elections, as well as the vandalisation of public properties. Thus Igbuzor's (2010:10) definition of electoral violence appears to be comprehensive that:

> Electoral violence is any act of violence perpetuated in the course of political activities, including pre-, during and post election periods, and may include any of the following acts: thuggery, use of force to disrupt political meetings or voting at polling stations, or the use of dangerous weapons to intimidate voters and other electoral process or to cause bodily harm or injury to any person connected with electoral processes.

Three phases of election and election related violence can be discerned from Igbuzor's definition of election: pre-election, election day and post-election. Therefore, election violence can occur at any stage of the electoral process either during the registration process, the campaign activities of political parties, voting on election day or during or after announcement of results. In the case of the latter, it is called post-election violence. In any case, lack of tolerance, fear of losing a contest and the politics of "do-or-die" are some of the reasons behind such violence in most parts of the newly democratising societies, particularly in Africa and Asia.

A free and fair election is, therefore, needed in a democratic setting in order to legitimise winners and promote public accountability. According to Mackenzie (1967), there are four conditions of free and fair elections. These are an independent judiciary, an independent electoral body, a well developed system of political parties and the acceptance of the rules of the political game by politicians and their party supporters (cited in Ujo, 2004).

Theoretical Context
In their works on political culture, Almond and Powell, Jr (1996) have theorised, with empirical examples, the value of consensual democratic political culture in bringing about political legitimacy and democratic sustenance. Central to their argument is that political culture is made up of three major propensities–system, process and policy, and that government's legitimacy is a function of people's power expressed not only in the active culture of political participation but also in the manner the state responds positively to their democratic expectations. While the system propensities have to

do with the legitimacy to rule with the support of the citizen, process propensities assess their level of political participation and policy propensities are essentially about "the issues people care about and their underlying images of the good society and how to achieve it" (Almond and Powell Jr, 1996:39). Election, being one of the processes of democratic institutions, serves as a linchpin of democratic exercise, which is said to be highly supportive when it is conducted according to the conventions set out to regulate the political game. In this way, the system propensities of a society are more or less influenced by the ability of the citizen to allow the process of election to determine the legitimate government to rule. The expectation is that both the political actors and the civil society are *dramatis personae* in the process of democratisation. Consequently, democratic legitimacy, defined as "the genuine, non-instrumental, intrinsic support for democracy by political elites as well as citizens," constitutes a major element of democratic consolidation (Schedler, 2001:75). For the political actors, as Schedler (2001) further argues, the democratic process is a game, which requires them to play by its rules. Playing authoritarian games by those players who circumvent the rules of the game inevitably erodes the foundations of democracy. On the part of the citizen, however, rational behaviour, non-violent reactions, political decorum are the much cherished expectations.

Thus, it can be deduced from these perspectives that political violence is an anomie in a society undergoing democratisation. Citizens have to behave rationally and be guided by the laws of the society to contribute their quota to the political process. Where political performance and the expectations of the power elite are diametrically short of the interests of citizens the situation would create political disequilibrium. Cases of disequilibrium in the Nigerian society are bound and the consequences are manifold. Where citizens take the law into their own hands to douse their disillusionment, their political culture is said to be negative. At the centre of political disequilibrium in most of the developing democracies is what one can describe as the "entrepot" of power. This is the entry point, which determines whether or not public office is occupied with political legitimacy. Thus, fraudulent

elections provide leaders who lack the legitimacy to rule with the support of the people. Internationally, lack of legitimacy as a result of flawed elections could lead to low recognition of the government; locally, it could further frustrate the process of development in a society. At the most extreme case, lack of legitimacy leads to the erosion of governance and democratic reversals.

History and Causes of Electoral Violence in Nigeria
The history of election in Nigeria predates the country's independence. Ironically though, the history of the practice of democratic system of government in Nigeria is that of trial and error and has not corresponded with the years of her political independence. Therefore, as the country gradually marched towards the 2015 elections, it was important to provide a preview on electoral politics before and immediately after independence for us to appreciate the travails of democracy in the country. In these periods, elections were associated with intense competition for power among the country's political elites. Prior to independence, the political actors who represented regional class interests saw in politics the platform on which to compete for power in order to secure regional hegemony. With the exception of the 1922 elections into the colonial-dominated Legislative Council, which the colonial state restricted to two leading constituencies: Lagos and Calabar, subsequent elections were not completely peaceful. Although the elections of 1951/52 and those of 1954/59 were less violent, they were conducted at a time of intense regional political rivalry in the country's political development. As more and more power gravitated toward the regions, "politics became more and more attractive. Violence also escalated but not to the extent that we now have. And so some features came after independence" (Tamuno, 2003:30). The reason being that the domination of the then three existing regions heralded intense competition for power, which was characterised by party schism and the struggle for regional and national hegemony by the three dominant regions and their ethnic groups (Nnoli, 1978).

With regional politics, inter-regional power struggle ensued, with far reaching consequences on the future course of politics in Nigeria.

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First, as ethnicity became the platform on which the struggle for power was contested, it also became the weapon of oppression at the disposal of the regional governments and governed the nature of party alliance as well as served as a yardstick for measuring success in any election. Second, since regional hegemony was given priority in the determination of who would get what when and how in an unbalanced federation under a parliamentary system of government, the control of the central government became a matter of survival. As the federal election of 1964/65 approached, political assassination and the judicial imprisonment of political opponents became more pronounced. Nowhere did this type of politics found greater expression than in the Western region where opposition parties were marginalised and oppressed by the regional government of Action Group. In particular, the 1964/65 elections were associated with violent and frightening scenarios that culminated in what was later known as "Operation *Wetie*" in the "Wild-Wild West", leading to the collapse of the first parliamentary system of government in the country (Maduagwu, 2012:237).

Despite an elaborate transition to civil rule in 1979, which provided a relative level playing field for politicians to eschew politics of bitterness, they displayed the audacity to perpetrate electoral violence, particularly when money was used to buy off the officials of the Federal Electoral Commission (FEDECO), ballot boxes and pay political thugs. The political landscape between 1979 and 1983 was constitutionally designed to address the fundamental flaws of the past by the principle of 2/3 votes of 19 states for a party to win and form a government at the centre, pockets of electoral violence had been recorded in various states in the federation (Poroye, 1992; Tamuno, 2003). Politicians lost patience with the rules of the game and decided in 1983 to use any means available at their disposal either to thwart the process or re-invent subtle means of election rigging. In a bizarre form, the ruling National Party of Nigeria (NPN) was reputed to have masterminded inter- and intra-party feuds in order to weaken the political leverage of the opposition parties in the 1983 elections.

The phenomenon of electoral violence subsided during the period of the transition to civil rule initiated by the Babangida administration due to its "garrison" nature of overseeing the process of the transition. However, it was reinforced with the re-invention of money politics the result of which led to the annulment of June 12 presidential elections in 1993. In the subsequent transition under military rule, the phenomenon of election violence did not subside, as cases of violence were reported in various parts of the country in 1999, 2003 and 2007, respectively. The most frightening scenario of violence was the country's experience in the aftermath of the 2011 presidential election in the Northern and some parts of South-Eastern Nigeria.

Evidently, the 2011 post election violence was anticipated (Campbell, 2010; Maduagwu, 2012), particularly against the background of the shoddy political deal in the ruling party on the zoning principle, outrightly abandoned to pave the way for Goodluck Jonathan to contest the presidential election and to consolidate power (Paden, 2012). Therefore, the eventual presidential race by the two presidential candidates of the Congress for Progressive Change (CPC), General Muhammad Buhari (retired) and the incumbent, President Goodluck Ebele Jonathan of the ruling People's Democratic Party (PDP), provided another ground for the re-emergence of "regional" (North-South) and religious (Islam and Christianity) political tendencies. Political party campaigns took ethnic and religious lines and regional and minority group contest as well as class character. As a result, "voters mobilised by appeals to their ethnic and religious identities will instead feel they have a real stake in the outcome and will not acquiesce to rigging as they did in 1999, 2003, and 2007" (Campbell, 2010:2). Undoubtedly, the political violence that greeted the announcements of the 2011 presidential elections captured Campbell's prediction as post-election violence was said to have been ironical despite considering the election as among the fairest, the bloodiest in Nigeria's history, with 800 lives lost (Human Rights Watch, 2011).

The 2015 election was even likely to be critical because it came at a crucial moment in the life of the country when violence, kidnapping,

political assassination and insecurity were becoming a recurring decimal in Nigerian politics. It would test, once again, the resilience of the country's fledgling democracy and its consolidation efforts. The questions to ask are: why does violence occur in elections in the country? How did we avoid such violence in 2015? What do we stand to gain when violence- free elections are conducted? For us to examine any dividend of an election devoid of violence in Nigeria, these questions must be addressed.

From the foregoing, one can understand the origin and dynamics of electoral violence in Nigeria. Needless to say that political violence is linked to the overall political interest of the elite and their perception of political domination. The structure of the political system is such that the domination of the political scene by the dominant political class, whose motive has always been to control power for their particularistic class and ethnic interests. The perception of democracy exhibited by the political class in the immediate period of independence conformed to their narrow political ends; they used whatever means available to them to capture, retain and consolidate power. In the current structure of the federation where states replaced the regional structure, political domination still persists. In the words of Ibrahim (2003:57):

> Under the new context the process we have been undergoing is that the category majority-minority has become very fluid and continues to change as we expand the number of states and as we expand the number of local governments. What is important in this process is not the new structure but the new process. And the new process is that the essential elements of Nigerian politics is that the structural engineering is real, is possible, it produces results, it has rewards for those who gain, and it has consequences for those who lose; and it is this dynamics that I think is fundamentally responsible for the increased rate of the generation of political violence in the country.

When competition for power is intense and motivated by the single-minded pursuit of the perpetuation of domination, the "loser" is made subservient by the "winner" and marginalised in actual resource allocation in his country. The final result of this politicking

is that it breeds zero-tolerance on the part of the winners and the losers of elections. Consequently, dissatisfaction with the actual outcome of election results and the failure to accept defeat means the delegitimisation of the winning party and its authority.

Political "entrepreneurs" who do not want to take the "risk of their investment" view politics as a "matter of life or death", as Obasanjo was reported to have said in the presence of a large number of supporters during the PDP presidential campaign in Abeokuta in February 2007. Worst still, the politics of clientelism as a means of power retention by incumbent executives has widened the scope of the politics of "do-or-die", thereby bastardising the essence of democracy and its process. Here too, the perception of democracy from the political class is fundamentally different from the liberal conception of representative government.

The outcome of the politics of "do-or-die" is the creation of political intolerance, which is nurtured in the minds of politicians in order to reap the benefit of their huge "investment". Anything that could endanger them to actualise this goal is reacted to with violence. In fact, the illegal use of money in Nigerian politics manifests itself in various ways. Money is used to effectively control the process and influence the outcome of election. In a more bizarre expression of this pattern of political culture, money is used to "buy" votes from the electorate, hire political thugs and bribe election officials and security personnel at the polling booths.

In addition to the use of money, the rise of election-related violence in Nigeria is related to the difficult economic situation, which gives politicians the excuse to easily mobilise political brigands, who are mainly the unemployed youths, for reckless political foot soldiering; political assault, arson and assassination. The economic situation easily provokes anger and frustration largely due to unemployment, as it also reinforces youth restiveness. While on the one hand, politicians speak about the dividends of democracy in terms of indices, on the other hand, the living condition of the ordinary people remained deplorable. In 2005, the United Nations Human

Development Report ranked Nigeria 151 out of 177 poorest countries. The report also stated that more than 54.4% of Nigerians lived in abject poverty and on less than one dollar ($1) a day (Asowata, 2005). As poverty, hunger and diseases afflict a large number of people, they become an easy vehicle for mobilisation by politicians, who offer them money in order to engage their energies in political activities. Other causes of election violence are electoral rigging, non-compliance with the rule of the political game and delay in the adjudication of election petitions.

The Gains of Violence-Free Elections in a Democratic Society
One of the important issues in Nigeria today is how to achieve peaceful, acceptable and violence-free elections. In most of the so-called "third wave" democracies of Africa, Asia and Latin American countries, their dilemma of democratisation process lies in a sustainable electoral process. In those societies where the democratic system survives and flourishes over the years, the underlying success lies in violence-free and credible elections (Joseph, 2010). Therefore, most developed democracies of Western Europe and North America achieve greater social, economic and political development than countries where prolonged periods of military rule or one-party dictatorship spanned over their political development as nations. This is not to suggest that violence-free elections totally elude developing societies. The experiences of India, Brazil, Venezuela, Indonesia, Senegal, Ghana and South Africa are cases in point where violence-free elections have contributed to the development of democracy and sustainable development. Evidences from India, one of the largest and enduring democracies in developing countries, and Venezuela in Latin America suggest that democracy and development, though as a rule they do not always go together, are ingredients of a sustainable, peaceful and autonomous development.

A violence-free election in democracy is expected to bring security to lives and property, thereby making the political system secure and safe for economic activities. The stability of any political system depends wholly on how peaceful its corporate existence is maintained by its political and social groups. Election is a testing

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ground for peaceful co-existence, as it invariably showcases the level of political discipline, compromise and tolerance among various nationalities. Regardless of ethnic pluralism, the single most unifying agency in India's political development is democratically-driven power succession. Although social conflicts arising from sectarian, cultural and traditional belief systems threaten the country's peace, India has been a model for many developing societies because of her ability to curb violence in their political process. Thus, violent-free elections are a prerequisite for stability and enduring peace.

Political legitimacy in a democratic society is a function of credible, transparent and violent-free elections. Citizens in democratic societies legitimise their governments because the process in which they thrive is based on conventional means. Political legitimacy is, therefore, associated with obedience from, and the consent of, citizens because it is much easier to get loyalty, respect and the popular will of the people when they comply with the laws of their country from their belief in legitimacy of the authority. Violence-free elections serve as a yardstick for measuring people's compliance with government's policies and their support during hard times or against the backdrop of any real or imaginary enemy, state or individual.

In Venezuela, President Hugo Chavez's government was supported across the broad spectrum of the country's compatriots, even against the background of America's negative stereotype of the Venezuelan government. Any violent election that brings an unpopular government is bound to foment insecurity and the regime in question is likely to be short-lived. As the one-time President of the United States of America, John F. Kennedy, stated, those who make peaceful change impossible make violent change inevitable (Kennedy, 1962). That was the experience of the Western region of Nigeria in 1965 when Chief S.L. Akintola of the Nigeria National Democratic Party (NNDP) rigged the regional election. The aftermath of the Western region election and the violence that followed it in the wake of disenchantment by Action Group (AG) supporters led to the collapse of the first ever experiment of the

parliamentary system of democracy in Nigeria. Thus, a violence-free election sustains democracy and helps citizens to participate in the democratic processes.

Good governance is dependent on a responsive and responsible, transparent and accountable leadership and the flourishing of the rule of law. Similarly, governance is said to be good when its dividends are not narrowly conceived by the government in power to mean personal rule. When a government is entrenched on the basis of a violent electoral process, it loses its content and value as representative of the electorate; it will endanger the flourishing of the rule of law and its social empowerment credentials. The experience of Ghanaian democracy after a prolonged period of military authoritarian rule is a testimony to the argument that good governance is a product of free and fair elections. As one of the newest democracies in West Africa, Ghana is advancing, politically and economically, because the country has been on transition from civilian-to-civilian rule without violent elections over the course of six electoral cycles beginning in December 1992. More so, the alternations of power on three occasions from the government party to the opposition in 2000, 2008 and 2012 had been regarded as crossing of one of the benchmarks of democratic consolidation (Joseph, 2010). Indeed, President Obama's visit to Ghana, rather than Nigeria in 2009 was, in part, in response to the country's "positive track record" and "was a blow to Nigeria's prestige and elite self-image" (Campbell, 2010:3).

One of the indices of measuring the capability of any democratic system is the ability of the citizens of a country to reach a compromise and accept the verdict of elections in good faith. In this way, a positive political culture endures when political socialisation is purposeful and goal oriented. Citizens of any democratic society learn over time and the quickest means of imbibing democracy is by understanding it as an instrument of good governance, respect for the rule of law and the provision of people's developmental needs. In the developed democracies of Western societies, the means of changing an unpopular government is through massive participation

in elections, which is seen as an exercise of the basic civic responsibility of any citizen eligible to vote.

Thus, the dividends of a violence-free election in a democratic society are numerous and far reaching. The greater these dividends are maximised in a democratic setting the better the nurturing of a virile political culture and the process of democratic consolidation become.

Towards a Violence-Free Election in Nigeria's General Elections - What is to be Done?

One of the burning questions of our current phase of democratic development is whether there is going to be elections without violence. This question arises from the experience of the 2011 post-election violence, which swept some parts of the country. It is outside the scope of this chapter to venture into that debate. Nonetheless, it is undoubtedly clear to many Nigerians that the conduct of elections in the country has always created hysteria in the minds of many people because of the past experiences of assault and post-election violence, particularly in the First Republic and in the aftermath of the annulment of the June 12 elections and the latest 2011 post-election violence. However, the pre-2015 election hysteria was informed by various reasons. First, the background of insecurity in some parts of Northern Nigeria led some observers of the Nigerian political development to conclude that unless security was restored the situation could lead to disruptions, at least in the major flash-points of conflict in the country. Second, as a result of the INEC's de-registration of some political parties and the renewed pro-Jonathan 2015 premature campaign by 'shadow' supporters, the political terrain was opened for intense contestations and, as in the past, could lead to electoral violence. The need to avert further violence was, therefore, a task which must be executed before the commencement of the 2015 electioneering campaigns by political parties. The following are measures to be adopted by the security agents, the state, civil society Organisations (CSOs) and politicians to safeguard our democracy in order to forestall its reversal.

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The Police and other Security Agents

The Nigeria Police Force (NPF) and other security agents have a far-reaching role to play in maintaining law and order and in protecting the internal security of our nation. The police should be impartial during the conduct of elections in order to avoid irritating the electorate. The tract record of the police in reducing pre-election violence is commendable but the task ahead is surely challenging; it requires impartiality and high display of professional ethics. In the past elections held in April 2003, some policemen and other security agents were reported to have aided and abetted electoral malpractices (Global Rights, 2005). The same can be said in the case of the 2007 elections. Unless the Nigeria Police exhibits its true professional training as the preservers of national peace by being neutral and impartial in the discharge of its duties at the polling booth and during the vote counts, election violence may not be forestalled during or after elections. What remains is for the service men to warm up and totally embrace their professional ethics.

Civic education on the electioneering campaigns of political parties needs to be sustained and pursued more vigorously by the institutions of government and civil society organisations. The society should be made to understand that forthcoming elections are more than a process of changing the mantle of leadership from one party to another or from one person to another, but machinery for the development and further integration of the country as one single entity. It is not only a Nigerian election but also an African with global and continental ramifications (Ade, 2006). Violent election in Nigeria in the 2015 elections served as a signal to other African states that Nigeria cannot make a successful transition to democracy, a "hurdle" already crossed by countries such as Senegal, Ghana and South Africa. Its success is a pride for the country and a plus in its search of democratic alternative spectrum of resolving political, economic and social problems bedevilling our society. The works of some CSOs, particularly the Abuja-based Global Rights, the Alliance for Credible Elections (ACE) and the National Democratic Institute, are worthy and commendable, as they consolidate their efforts in the continuous and indefatigable enlightenment campaigns for credible and violence-free elections in the country.

The Training of Election Management Staff

There is also the need to use well qualified and trained officials of the electoral body, INEC. Both permanent and ad-hoc staff of the INEC should be trained and made to imbibe the principles of neutrality and professionalism in the conduct of their duties and in the management of elections. Ad-hoc INEC staff such as Youth Corps Members should be used upon the screening of their worthiness and moral standing in their places of assignment.

The Politics of Tolerance and Respect for the Outcome of Election Results

In mature democracies of the world, both winners and losers in election share one goal in common: the sustainability of the system of democracy. This goal brings politicians together as a binding mechanism for democratic sustenance. This is because the perception of the winner is not to oppress the loser or the majority to marginalise the minority but to work hand-in-hand for the survival of democratic system or mutually support each other in building confidence for the overall development of citizens. Nigerian politics should not be seen as an instrument of domination or repression.

It is important to note that while these strategies for curbing violence in elections can be considered as short-term measures; other strategies could be of long term effect. On the latter, the government needs to devise purposeful measures that can address the problem of poverty and unemployment among the youth. Unless democratic dividends are seen and actualised in terms of qualitative changes in the living conditions of the ordinary Nigerians, the youth will be perpetually available to serve as the foot soldiers of politicians, who capitalise on their condition to hire them as political thugs. The media should also provide a balanced reporting of political activities and avoid inflammatory news about candidates, parties or other related issues.

Conclusion

In conclusion, it can be stressed that the dividends of violence-free elections in Nigeria can be realised when various stakeholders

contribute to the success of elections as a means of democratic consolidation, peace, development and unity. Security personnel should shun partisanship and promote good professional ethics during the conduct of elections. The civil society and the NGOs, INEC, political parties and their contestants should help to promote the politics of tolerance through awareness campaigns. Democratic consolidation is a function of a synergy of commitments on the part of the state and civil society. Violent elections can neither produce genuine democrats nor provide any dividend. They only lead to chaos and under-development that could lead to democratic reversal. The situation in some of the Africa's newest democratic states (Ghana, Senegal, and South Africa) where peaceful transfer of power from civilian-to-civilian rule through non-violent elections has resulted in democratic sustenance is worth cherishing by Nigeria. Like India, which is regarded as the biggest democracy in the Third world countries, Nigeria is expected to be the biggest democracy in Africa when the process of selecting leaders is sustained and institutionalised an acceptable democratic culture that is devoid of rigging and relegation of the rule of law to the background.

CHAPTER TWELVE

Political Assassinations in Nigeria: the Causes, Consequences and Remedies[1]

Introduction

The game of politics in Nigeria is pretty much a business undertaking of some sorts. Its conduct has been associated with intense competition for power, which is manifested in tendencies that are profoundly 'unhygienic' and also vociferously informed by a do-or-die principle of political brinkmanship. Indeed, if politics is the struggle for power, as is commonly known in the genre of literature in political science, its conduct and dimension in the case of Nigeria can best be defined as the struggle for the survival of the fittest where competition is essentially informed by the win-or-perish philosophy. In this context, politics is not only the struggle for power but also competitive bidding by the rich, the influential and famous political actors for the grab of public offices for personal enrichment through the process of primitive capitalist accumulation. Once power is wrested, public office is used systematically to consolidate class position, distribute the advantages of power and favours to political associates and relations through patronage. Having the process of, or access to, public office by politicians is also a weapon of deterring or threatening the interests of opposition individuals and groups. Such threats are often expressed in various forms of political violence, including political assassination. The latter is defined as a pre-determined action on the part of an individual or a group to end the life of an opposition party member or persons considered a threat to the political ambition of a candidate or those holding positions of authority. In other words,

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[1]A chapter submitted to Department of Sociology, Faculty of Social Sciences, Bayero University, Kano, and accepted for inclusion in a Book Project entitled "Special Crimes in Nigeria: A Reader", December 2018.

political assassinations are directed at dangerous to either state, individual or group political interest. The phenomenon of political assassination is one of the outcomes of a dysfunctional system that typifies the weak institutionalised bases of political process. It represents a "supreme" or "capital punishment" for victims. It is not only a security threat to the path of a sustainable process of democracy but is also an indication of an unhealthy political society.

Political assassination has a long history in Nigerian politics. However, what has become a serious concern among scholars on Nigerian political development is the spate of the phenomenon since the return to civilian rule in 1999. The high level of competition for power and the corollary high stakes involved in public office, which is usually regarded as the leading sector for quick riches in Nigeria, has since then opened up further opportunities for the crudest forms of political corruption and competition for power. Ironically, whereas democracy is based on the sanctity of freedoms, of speech, association, assembly and choice, among others, the nature of party politics in the country has created an ambiance that is diametrically opposed to the civilisational underpinnings of democracy. Put differently, political assassination is figuratively an albatross around the neck of democracy since its goal is to eliminate opponents and re-assert or capture power. It exposes the fragility of a democratic system to uphold fairness and equity among the citizens of a country; it erodes consensus building and erases whatever values of decency and decorum are expected of an enduring system of participatory democracy. Politicians who believe in the act of orchestrating political assassination are bereft of the principle of political tolerance as a keystone of political adventure and electoral victory.

Whilst there are many instances of political assassination, both under military rule and in the period of the return to democracy in Nigeria in 1999, it is, however, necessary for researchers to update knowledge on the discourse and further interrogate the causes and consequences of political assassinations periodically. This is important because political society is a living organism; it changes with time and when it is confronted with new institutions and values. For interrogating what is old and new in a political process not only

unveils the underlying causes, patterns and dynamics of political assassination generally, but also provides the scientific bases of understanding the best that can be done to nip the dangerous act in the bud. Above all, there is also the need to raise and answer the following questions: why has political assassination become a recurrent decimal in Nigerian politics? What can be done to prevent the occurrence of political assassination and make the country's practice of participatory democracy peaceful and promising? In order to answer these questions, the chapter is divided into seven sections.

Section One is the introduction. Section Two operationalises the term 'political assassination' and its major conceptual typologies. The third section reviews albeit in brief and with a few illustrations from some selected African countries, the major experience with the spate of political assassination in the continent's post-independent period. Section Four highlights the consequences of political assassination on Nigeria's democratisation process. And, in Section Five, the chapter examines measures of remedying political assassination, with a special focus on Nigeria. In Section Six, possible remedies of the scourge in Nigerian politics are discussed. Finally, Section Seven concludes the chapter.

Political Assassination and the Travails of Contemporary Politics – Conceptual and Typological Issues

Needless to dwell on the etymology of the term, which has been extensively addressed in other studies (Mahmoud, 1983; Sani, 2007; Frey, 2007; Perliger, 2015), political assassination is a term, which has been subjected to different interpretations. This is not surprising because the concept of assassination has a sociological origin, while its accompanying concept of 'political' is purely a science of politics that deals with power reactions. Together, the concepts of 'political' and 'assassination' are used to describe the objective realities of modern competitive politics whereby a politically important person is killed "by an agent other than himself or the government, for reasons which are either political or unknown" (Mazrui, 1968: 46). Sani (2007:1) provides an elaborate definition of political assassination as "the premeditated murder of a person who holds a

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position of public importance, for reasons associated with the victim's prominent political perspective, or for revenge or earning a reward, or a combination of these". These definitions suggest that political assassination is an act of killing a political opponent.

Aside from the definition of political assassination, which is conceived from two dimensions, it is also important to examine the existing relationship of the term with other contemporary international and existing terms. This is important because the term "political assassination" is often misconstrued and used interchangeably with political murder and terrorist acts. This confusion is not surprising because both terms are criminality and the secretive activities of either state intelligence or its proxies or hired assassins. However, the confusion in the operationalisation of these terms really poses a serious challenge to the understanding of what constitutes 'political', not social and not economic, ritual or any other variant form of assassination. This dilemma compels scholars like Ali Mazrui (1968) to ask the question: When is a murder "political"? Thus, the fact that not every murder is political assassination suggests that the meaning of political assassination can be fully understood within the context of the motives of the killing than necessarily from the political importance of the victim of assassination. Similarly, in reality, political assassinations and terrorist acts are markedly differently, though the two terms share similar objectives, that is, to exterminate an individual or group of persons violently. Whereas, on the one hand, political assassination targets a specific individual or group of individuals, terrorism, on the other hand, does not necessarily have specific targets.

Oscar Jaszi's (1944) work, *The Stream of Murder*, identifies seven different types of political assassination. First is the type of assassination committed for personal motives. In this case, assassination is without any political aim or undertones. However, it is considered having a political character by the fact that the targets are heads of state or some other important personalities that have connection with the state. The second type of assassination is power-motivated usually for the advantages or disadvantages that go with power. At another level, Jaszi (1944:342) argues that this type of

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assassination is also informed by the desire to "eliminate dangerous or hated political opponents".

Diplomatic assassination is the third type of assassination. It occurs in international relations and is directed eliminating a real or perceived dangerous political opponent. Prominent examples of this type of assassination include, but are not limited to, the assassinations of Martin Luther King in the USA, Benazir Bhuto of Pakistan and the recent assassination of a Saudi born journalist in Turkey, Jamal Khashoggi, on October 2, 2018. Jaszi describes the fourth type of political assassination, which he referred to as assassination with Reason of State, as "the most widely used in the history of conflicts and the most dangerous type" (1944:342). The motive behind this form of assassination is the state's need to preserve or expand its power. The assassination is sometimes carried out by tribunals, as in the case of the assassination of the Niger Delta environmental rights activists and playwright, Ken Saro-Wiwa, in November 1995.

The fifth type of assassination is of a religious nature and is sometimes connected with racial fanaticism and struggle for power. The assassination of anti-Apartheid activists by South Africa's apartheid defence forces in South Africa and its neighbours in countries of Southern Africa: Angola, Botswana, Lesotho, Swaziland, Zambia, Zimbabwe, among others, are typical examples of this type of assassination. Other examples are the assassination of Juvenel Habryarimana and Burundian President, Cyprien Ntaryamira, by government aligned with the Hutu power extremists opposed to negotiation with the rebel Rwandan Peoples Front (RPF) in Kigali, Rwanda in April 1994, and the brutal assassination of the Rwandan defector, Patrick Karegeya, in a Johannesburg hotel room in March 2014.

The sixth type of assassination is associated with the motive of safeguarding a nation. It is "national, and often connected with struggles for constitutionalism, especially republicanism" (Jaszi, 1944:346). In some cases, the desire for vengeance or constitutional

grievances has been the motive for political assassination from the standpoint of safeguarding a nation.

Finally, political assassination may occur due to certain socio-economic reasons. This is the seventh type of assassination identified by Jaszi and its rationale is informed by a long period of the suffering of the masses. The Peoples March on Washington in 1968 was to gain economic justice for poor people in the United States. It was organised by Martin Luther King, who was eventually assassinated for his human rights activism and the campaign to improve the living conditions of the black population in America.

Thus, looking at the various types of political assassination, one can discern two of its major categories in contemporary political lexicon that can be pigeon-holed into Jaszi's seven typology. The first is the political assassination at the international level, otherwise known as targeted killings (Frey 2007) and the second type describes the killing of individuals considered politically relevant for being in political opposition or otherwise at the level of local national politics. The former usually occurs in the international system and is directed at leaders and personalities in order to "control or liquidate real or perceived challenges" to the geo-political hegemony of powerful states (Bosco, 2009). It is normally informed by different reasons that are purely political, ideological differences and the desire to attract media attention or the quest for regime change, as was the case of President Salvador Allende of Chile in September 1973, Saddam Hussein in December 2006 and Muammar Gaddafi in October 2011. According to Perliger (2015:11), political assassination in the context of international relations is "an action that directly or indirectly leads to the death of an internationally targeted individual who is active in the political sphere, in order to promote or prevent specific policies, values, practices or norms pertaining to the collective".

Thus, political assassination, particularly the second type identified by Jaszi (1944) above, resonates in most of African countries today, where political leaders, party officials and election officers, among

others, are killed in cold blood. The nature of the assassinations reveals that political elites hire assassins that serve as proxies in the killings; it is sometimes executed by the state through the sponsoring violent groups or executed by its security agents in secrecy.

Political Assassination in Africa

Political assassination is a global phenomenon today, though "different processes trigger different types of assassination and that different types of assassination generate distinct effects on the political and social arenas" (Perliger, 2015:12). Put differently, the assassinations of Gaius Julius Caesar in 44 BCE by Roman Senators, that of Israel Prime Minister, Yitzhak Rabin in 1995 and those of American, Lebanese and Nigeria Presidents and heads of state, John F. Kennedy, Rafik Hariri and General Murtala Ramat Muhammed, had different processes and effects. In any case, assassination, nay of any political type, is violence against humans and a criminal undertaking by desperate political elements in a polity. It is an aberration and misnomer that constitutes the violation of human rights (Igbafe and Offiong, 2007). Globally, the wave of political assassination is alarming. Though accurate, national and international statistics on the number of assassinations are difficult to come by largely due to the absence of updated and accurate data around the regions of the world, a research has established that worldwide, at least 78 heads of state were assassinated between 1946 and 2000 (cited in Embu and Igomu, 2016). In the last couple of decades, the phenomenon of political assassinations has become a recurrent decimal in some regions because of the growing instability and the start of political transitions in Eastern Europe in 1995 (Perliger, 2015), as well as in the spread of the cyclone of democratisation in Africa, Asia and Latin American states in the 1990s and 2000s.

Although political assassination as a political solution was rarely found during the colonial period, it has thrived as a result of the crisis of integration and legitimacy in Africa's post-colonial political processes (Mazrui, 1968; Sani, 2007). The phenomenon is a post-independence experience, which has been exacerbated by the nature

of political relations with the former colonial state and the dynamics of competition for power in the African sub-regions. Between 1961 and 1973 alone, a period of 12 years, six African leaders were assassinated by or with the support of ex-colonial rulers. Since then, the context of power relations and the nature of party politics in the continent have brewed a simmering phenomenon of political assassination, not only of African leaders alone but also of the political opposition. In a society where the system of competitive politics defies conventional norms, tolerance and respect for the rights of individual participation, such a society would eventually become, to use Nwokolo's words, " a human abattoir" (2011:76).

In South Africa, the disillusionment of the country's biggest political party officials, which has been ruling the country for nearly 25 years, the African National Congress (ANC), with the dominance of the economy by the white minority population has over the years magnified reckless corruption among party stalwarts and public officials. Party members who have been irked by corrupt practices in the award of contracts and public procurements continuously exposed corruption with dire consequences. Their whistle-blowing of high-level corruption has earned principled party members the supreme sacrifice. Their party compatriots holding public office trailed and assassinated them with impunity. In the province of KwaZulu-Natal, which is the deadliest and the hardest hit of all, 80 ANC officials were killed between 2011 and 2017. In 2016, the death toll increased dramatically when about 90 politicians were politically assassinated, more than twice the annual rate in the years before that. By 2017 alone, nearly 40 politicians were assassinated in South Africa. Among the victims was a rising star in the party who had become a national figure, Mr. Magaqa of Umzinhuhu in KwaZulu-Natal province (Onishi and Gebrekidan, 2018).

In one of the most politically-violent states of Africa, Kenya, political assassination has become one of the horrifying crimes in the country since the first infamous assassination of Pio Gama Pinto in 1965, which was followed by those of Thomas Joseph Mboya in 1969, Josiah Mwangi in 1975, Kariaku in 1995, Robert Ouku in 1990, Father John Kaisser in 2000, University of Nairobi Student

Union leader, Titus Adungosi, in 1988, Anglican Bishop Alexander Kipsang Muge in 1990, Dr. Mbai in 2003, Mugabe Ware in 2007 and the country's head of general elections, Chris Msando, in 2017 (Okoth, 2013). The spate of political assassination is not exclusively African. Other regions of the world have their own share of the crime. For example, a recent study found that 133 politicians were murdered ahead of Mexico's election slated for July, 2018 *(Daily Nation*, 2018). These experiences do not include attempted cases of political assassination that are mostly not covered in the media. The late revolutionary leader of Cuba, Fidel Castro, was reported by CNN to have survived 600 assassination attempts in his life time (*CNN*, 2016).

In Nigeria, as in other societies around the world, political assassination knows no type of regime, geo-political zone or party bounds. It is neither limited to specific regions, state nor a specific period of time. Before the 1990s, little was known about the current trend of assassination that seems to target civilians and politicians in Nigeria. The mode of assassination during that period "was directed at overthrowing the government of the day" (Sani, 2007:3). The scenario took the form of *coup d'état* that led to the death of prominent First Republic politicians and military officers. Thus, until recently, political assassination in Nigeria was limited to the time of 'revolutionary' change of government. Later, the phenomenon changed its dimension. Indeed, nowhere in Nigeria's history has the assassination of a civilian been used with frightening ferocity as in the case of Dele Giwa in 1986. Since then, there has been an increase in the rate of the assassination of opposition political figures that were opposed to military administration. For example, to show the dangerous spate of assassination in the country, Lagos State provides a gateway to the understanding of the horrific scenario in the country when it recorded the loss of 50 lives to political assassination in 1995 alone (Igbafe and Offiong, 2007).

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Table 2: Some Cases of Unresolved Political Assassinations in Nigeria, 1986-2005

Names	Date	Location	Outcome
Dele Giwa	October 19,1986	Lagos	Unresolved
Babatunde Elegbede	May 5,1994	Lagos	Unresolved
Lekan Owolabi	March, 1995	Lagos	Unresolved
Captain Tunde Ashafa	June 11, 1995	Lagos	Unresolved
Mr. Alfred Rewane	October 6, 1995	Lagos	Unresolved
David Izegwere	December 1995	Lagos	Unresolved
Kayode Awosanya	January, 1996	Lagos	Unresolved
Mrs. Tajudeen Abiola	February 9, 1996	Lagos	Unresolved
Alhaji Sama Kano	April 8, 1996	Lagos	Unresolved
Admiral Olu Omotehinwa	May 22, 1996	Lagos	Unresolved
Mrs. Irene Obodo	June 1996	Lagos	Unresolved
Alhaja Kudirat Abiola	June 4, 1996	Lagos	Unresolved
Chief Adejola Balogun	June 15, 1996	Ibadan	Unresolved
Mrs. Esther A. Tejuoso	September 19, 1996	Lagos	Unresolved
Alhaja Suliat Adedeji	November 14, 1996	Ibadan	Unresolved
Toyin Onagoruwa	December 1996	Lagos	Unresolved
Engr. Adesoji A. Dina	September 1998	Lagos	Unresolved
Kola Tukunbo	January 31, 1999	Lagos	Unresolved
Patrick Okoye	January 31, 1999	Lagos	Unresolved
Sunday Ugwu	September 9, 1999	Enugu	Unresolved
Igwe Francis Nwankwo	February 15, 2000	Anambra	Unresolved
Nicholas Okhuakhua	June 2000	Lagos	Unresolved
Mohammed Shuaibu	September 2000	Lagos	Unresolved

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Names	Date	Location	Outcome
Obatou Mumbo	October 17, 2000	Onitsha	Unresolved
Idowu Braimoh	November 5, 2000	Ondo	Unresolved
Joseph Osayande	December 4, 2000	Benin	Unresolved
Chief Layi Balogun	December 10, 2000	Lagos	Unresolved
Monday Ndor	August 19, 2001	Port Harcourt	Unresolved
Onyebuchi Ede	August 23, 2001	Ebonyi	Unresolved
Chibueze Idah	August 23, 2001	Ebonyi	Unresolved
Ogbonna Odimbaiwe	August 23, 2001	Ebonyi	Unresolved
Ifeanyi Nnaji	August 23, 2001	Ebonyi	Unresolved
Odunayo Olagbaju	December 20, 2001	Ife	Unresolved
Chief Bola Ige	December 23, 2001	Ibadan	Unresolved
Mr. S.A. Awoniyi	January 7, 2002	Abuja	Unresolved
Eyo Eyo	April 2002	Calabar	Unresolved
Ifeanyi Igbokwe	April 18, 2002	Lagos	Unresolved
Musa Dayo	May 9, 2002	Bauchi	Unresolved
Christopher Ogbonna	May 26, 2002	Nsukka	Unresolved
Maria-Theresa Nsa	June 11, 2002	Cross River	Unresolved
Chief & Mrs. Barnabas Igwe	September 1, 2002	Onitsha	Unresolved
Mr. Ogbonnaya Uche	February 8, 2003	Owerri	Unresolved
E. Emeka	February 13, 2003	Imo	Unresolved
Theodore Agwatu	February 22, 2003	Owerri	Unresolved
Emily Omope	March 3, 2003	Ibadan	Unresolved

Names	Date	Location	Outcome
Marshal Harry	March 5, 2003	Abuja	Unresolved
Bala Mai-Haice	March 17, 2003	Yamal tu Deba	Unresolved
Ajibola Olanipekun	June 21, 2003	Ibadan	Unresolved
Aminosoari Dikibo	February 4, 2004	Delta	Unresolved
Lateef Olaniyan	July 6, 2005	Ibadan	Unresolved
Peter Eboigbe	August 11, 2005	Benin	Unresolved

Source: Adapted and modified from Igbinovia P.E. (2003), "The Criminal in All of Us: Whose Ox Have We Not Taken", University of Benin Inaugural Lecture Series 71, p.143

As can be seen from the Table above, the return to civilian rule in 1999 does not abate the dangers of political assassination. Rather, it aided the spread of the evil acts, resulting in the death of nearly a hundred politicians mainly from the opposition. Though Igbinovia (2003:147) listed more than 50 assassination cases from 1986-2005, the number has multiplied since then. In the last eleven years, the number of victims of political assassinations has quadrupled. Therefore, it is important to examine the causes of political assassination on Nigeria's body politic in order to unravel the consequences and remedies of the political vice on the country's toddling democracy. This is particularly important considering the recent political killings of a PDP chieftain in Benue State, the former Speaker of Akwa Ibom House of Assembly, Okon Uwa, who was killed after decamping from the PDP to the APC; Samuel Doro in Plateau State, Agbatse Tarkighir of the PDP in Benue State, the PDP councillorship aspirant in Rivers State, Goodfellow Bobmanuel, in 2015; a London-based businesswoman who came to Nigeria from there and joined politics in Oyo State, Risikat Bola Amole, all in 2015. Other victims are the former member of Rivers State House of Assembly, Monday Eleanya, in 2016 and the APC chieftain assassinated in Ekiti State and the former Personal Assistant to the ex-Governor of the state Segun Oni, Mr. Bunmi Ojo, and two others in Ado-Ekiti in 2018.

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Table 3: Some of the Unresolved Cases of Political Assassinations in Nigeria, 2006 - 2018

Name	Date of Assassination	Affiliation	Outcome
Funsho Williams	July 22, 2006	Governorship candidate of PDP in Lagos State	Unresolved
Ayo Daramola	August 14, 2006	Governorship Aspirant in Ekiti State	Unresolved
Jasse Aruku	June 30, 2006	Governorship Aspirant of ACD in Bassa LGA, Plateau State	Unresolved
Abayomi Ogundeji	August 17, 2008	Journalist, *This Day* Newspapers	Unresolved
Bayo Ohu	September 2009	Assistant News Editor, *Guardian* Newspaper	Unresolved
Charles Nsiegbe	November 21, 2009	Political associate of Governor Rotimi Amaechi of Rivers State	Unresolved
Kehinde Fasuba	2009	Ekiti State twin brother of the former caretaker Chairman of Ado-Ekiti	Unresolved
Dipo Dina	January 25, 2010	ACN Governorship candidate in 2007, Ogun State	Unresolved
Chief Ogbe Onokpite	November, 2011	Gubernatorial candidate of Citizens Popular Party (CPP,) Delta State	Unresolved
Senator Gyang Dantong	July, 2012	PDP, Plateau North Nigerian Senator	Unresolved
Sabinus Ordu	September 2014	Cousin to the State Governor, Mr. Rotimi Amaechi	

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Name	Date of Assassination	Affiliation	Outcome
Chinwike Asadu	July 2013	Kwara State Commissioner of Police -Killed on a visit to his home town in Enugu State	Unresolved
Atoza Ihindan	July 27, 2015	PDP Chieftain in Benue State	Unresolved
Saidu Abdullahi	2015	PDP Youth Leader in Turuku ward of Igabi LGA of Kaduna State	Unresolved
Obima Olunta	2015	Rivers State Politician and PDP Chairman	Unresolved
Chief Jeremiah	2015	A Key PDP figure in Kogi State Politics	Unresolved
Agbatse Tarkighir	2015	Committed Member of PDP in Benue State	Unresolved
Captain Samson Amineshi	August 2015	A Politician in Akoko, Edo State	Unresolved
Rt. Hon. Okon Uwa	March 2015	Former Speaker, Akwa Ibom House of Assembly and APC Member	Unresolved
Samuel Doro	2015	APC Chieftain-a politician who decamped from PDP to APC in Plateau State	Unresolved
Goodfellow Bob Manuel	2015	PDP Councillorship aspirant in Rivers State	Unresolved
Risikat Bola Amole	2015	A London-based business woman who returned to Nigeria and joined party politics (PDP) in Oyo State	Unresolved

Name	Date of Assassination	Affiliation	Outcome
Emeka Swore	April 2015	PDP Chairman in Ishielu LGA of Ebonyi State	Unresolved
Mrs. Chief Alimot Shadia Kareem Owogold	July 2015	Female Market Leader from Ogun east Senatorial District, God mother of APC Senatorial Candidate for the District, Dapo Abiodun	Unresolved
Yomi Ademola	March 28, 2015	PDP Chieftain in Osun State who defected to PDP from the ruling APC	Unresolved
Shalewa Daramola	July 15, 2015	APC Chieftain, Lagos State	Unresolved
Chief Tony Onyekele, Alias "Talk na Do"	January 2015	A member of the Imo State House of Assembly Service Commission and an APC Chieftain in Imo State	
Ugonna Omereaonye	April 2015	PDP Youth Leader of Akatta in Our East, Imo State	Unresolved
Monday Eleanya	February 2016	Former Member, Rivers State House of Assembly and APC member	Unresolved
Alhaji Bayo Ajiya	January 2016	Notorious political thug in Ilorin, Kwara State	Unresolved

Name	Date of Assassination	Affiliation	Outcome
Alhaji Ibrahim Abubakar	October 2016	Chairman, Kogi State Chapter of Miyetti Allah Association, Kogi State	Unresolved
Ofolabi Olaposi	November, 2016	APC Chieftain in Two, Ondo State	Unresolved
Waziri Fursom	November, 2017	Chairman of Action Democratic Party (ADP) , Jos East LGA of Plateau State	Unresolved
Emmanuel Oluozo	January, 2017	APC Secretary, Rivers State	Unresolved
Abdulmumini Yakubu	November, 2017	Chairman, Kogi State NASU and Ozuwaya Community, Kogi State	Unresolved
Christopher Ho bobo	May 2017	Former Acting State Chairman, PDP, Bayelsa State	Unresolved
Bunmi Ojo	2018	Former PA to Ex-Deputy national Chairman of APC , Ekiti State	Unresolved
Sunny Ejiagwu	August 2018	Chairman APC in Ideato North LGA, Imo State	Unresolved
Chidi Eburuaja	July 2018	PDP Youth Leader in Owerri Nkworji ward, Imo State	Unresolved
Moses Banka	February 2018	Popular politician and businessman of Sanga LGA of Kaduna State, killed in Jema'a LGA of the State	Unresolved
Victor Kayode Dada	June 2018	Director Planning, Ministry of Economic Planning, Kwara State	Unresolved

Name	Date of Assassination	Affiliation	Outcome
Ebikimi Okoringa	April 2018	Governor Seriake Dickson's PA, killed at Kaiama Bayelsa State	Unresolved
Bisha B.	August 2018	APGA Chieftain at Isiala Ngwa LGA, Abia State	Unresolved
Okechukwu Obisike	August 2018	Assistant Secretary of PDP in Ezere Ward 2, in Isikuato LGA of Abia State	Unresolved
Amos Akano	June 2018	Imo State APC Chieftain	Unresolved
Sunny Ejeagwu	July 2018	Chairman of APC, Ideato North LGA of Imo State	Unresolved
Justice Chukwujieze Ogu	November, 2018	Justice of the Ubulu Magistrate's Court in Our West LGA of Imo State	Unresolved

Source: Some cases of political assassinations between 2006 and 2018, compiled by the author, December 2018.

The list of those assassinated above is by no means exhaustive. This is because some cases of assassination across the country are not officially documented. In some cases, the position occupied by a victim of political assassination dictates the news coverage by the media on the case in question. As the country headed towards another round of general elections in 2019, the possibility of heightened political assassination was evident, as the Table shows. True to type, political assassination, which has become one of the country's recurrent political decimals, was observed in the 2019 general elections. On March 9, 2019, the day of the governorship election in Oyo State, a member of the National Assembly representing Akinyele/Lalegu Federal Constituency, Mr. Temitope Olatoye (Sugar), was shot in the eye and killed on the spot.

The Causes of Political Assassination

In politically divided societies and highly politicised divides, a case-by-case political conflict breeds an atmosphere conducive to power contestation. This is obvious, particularly if such a society has weak systemic and institutional structures that easily breed social antagonism and contradictions, security breach and lack of refined modes of political practices. Therefore, the causes of political assassination in a country like Nigeria are not far-fetched, considering the high stakes of power and what it brings to the holders of public authority. Hence, as there are different types of political assassination, so are the causes of the phenomenon in the country. Undoubtedly, the dividing line between a particular cause of political assassination with another is very thin. This is because the central motive of political assassination is to exterminate the opposition to give a promising terrain of 'undisputed' control or access to power. Politicians perceive the latter as both a means and an end because it is lucrative, highly yielding and nippy in terms of personal enrichment. Basically, the following are the causes of political assassination in Nigeria, particularly since the return to democracy when the acts of primitive capitalist accumulation through access to public office have become a ready-made instrument of accessing riches and an assured weapon of controlling power, fame and influence.

The process of struggle for power in Nigeria has been very thorny and the means of attaining public trust are sometimes overly incompatible with democratic norms and practices. The situation is made possible by the fact that competition for power is a do-or-die affair; participants in the game are either devoid of democratic practices and attitudes or are perceptively in the habit of overlooking regulatory norms for political expediency. In this situation, the end only justifies the means rather than the opposite. Therefore, intense competition for power without due recourse to democratic norms breeds totalitarian tendencies in a democracy. It is within the context of this tendency that the phenomenon of state-sponsored mysterious assassination of opposition party members has become a burden on Nigeria's Fourth Republic. At the height of this scenario is the use of assassins by 'unknown' politicians to eliminate opposition party

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members considered politically dangerous to the political interest of an individual party member or stalwart.

Generally, within the context of Nigerian politics, the following are the causes of political assassinations: the quest for political power by all means; money politics as a means of ascendancy to power; threat of social security in the event of the predictable loss of political hegemony; subversion of internal party democracy and unhealthy inter and intra-party rivalry, the weak capacity of the national security outfit to address the deplorable security situation in the country and a politicised and frustrated legal system.

The quickest venture for money making in Nigeria is politics. The art of politics not only provides cheap social mobility but also the quickest means of enrichment. Unlike other sectors, politics is a gold mine in which politicians siphon hard earned national wealth. With increase in Nigeria's oil revenue since the 1970s and the neglect of other sectors in the generation of national wealth, access to the position of authority and the privileges associated with it have made ascendancy to public office the domain of richness and influence. Consequently, with the return to civilian rule in 1999, the Nigerian petty bourgeoisie who were hitherto seemingly on sabbatical leave during the prolonged period of military rule now find it expedient to reclaim their past domain of neo-patrimonial relationship, primitive capitalist accumulation and channels of privilege. The latter, particularly the monthly paid bills of chief executives and members of the legislature, make democracy expensive for the greatest number of Nigerians and very lucrative only to the parasitic few political elite.

Thus, due to the privatisation of public office as a result of state capture, no politician would like to temporarily or permanently allow power to slip away from him. With this predisposition, the context is set for political violence and machination. Any real or imaginary opposition to the power interests of those who have tasted power or are eyeing it for lucrative gain will be quashed because, to these people, public office is tantamount to the survival of the fittest

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a matter of life and death. Undoubtedly, political assassination in this context is essentially motivated by political corruption and the absence of enabling legal environment to check its menace among politicians. While examining the political attitude of political elites in Nigeria, Rafiu et al (2009) attributed political assassination to the non-acceptance of such elites of the verdict of election when they are not favoured, which leads to:

> [T]he use of all means to achieve this interest particularly by assassinating their political opponents. The reason for this behaviour can be found in the historical analysis of the nature of the Nigerian state which has made the professional, economic and political elites to seek political power as a condition to fulfilling and furthering their economic and political interests… (2009:162).

When politics is monetised in societies that have their significant poor population, it encourages the highest bidder syndrome. In a situation whereby money cannot buy off a significant number of votes from the electorate, the political assassination of candidates or party stalwarts that are perceived dangerous is the most easily resorted option by desperate contestants. The assassination of Chief Bola Ige and Harry Mashall, both killed at home in 2001 and 2003, always comes to mind when one discusses the extent of the popularity of politicians powerful enough to torpedo the political ambition of a candidate or a party.

Party politics has a life of its own in democracy; a life of high and low points of activities. The peak of such activities in the electoral cycle is the campaign period, which is characterised by intense politicking and high stakes by contestants, party bureaucracy and the electoral umpire. It is a period that can be equated with a bazaar of ideas and public declarations over what one can offer to the electorate. The hysteria of the final outcome of election and the seeming perception of the popularity of the opposition often create an amenable condition for a zero-sum game. Thus, the fear of the unknown in the face of intense power struggle provides villain contenders with opportunities for assassination.

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Weak institutionalised democracies are characterised by weak or the near absence of democratic ethos in selecting party leaders and contestants for general elections. In a system of party organisation where state chief executives, party stalwarts or vested interests, mostly represented by "money bags", "godfathers" or "super-executive governors" who finance party activities and control its decisions, internal squabbles are made rife. Aggrieved party members often have their channels of retribution that go contrary to the expected norms of democracy. Unhealthy intra-party conflicts breed the possibility of political assassinations as a result of deep-seated grievances over the unjust treatment of party members. In this case, political assassination originates from within a party or outside it, depending on whose interest is negatively affected.

The security architecture of a society determines it readiness to take security matters head-on. Political assassination as a form of political violence does, to a large extent, pose a serious threat on the capacity of security agents to be on top of its occurrences. It has been elaborately pointed out that the inability of Nigeria's security outfits, particularly the Nigerian Police Force, to apprehend suspected culprits and their collaborators is one of the major reasons why political assassination has remained insurmountable (Igbafe and Offiong, 2007; Durotoye, 2014). The fact that the police itself had, in some cases, resorted to going to Scotland Yard in London for professional support when Sa'adatu Rimi, Funsho Williams and Ayo Daramola were assassinated in Kano, Lagos and Ekiti states respectively, suggests the weak capacity of the national security outfits to crack down on political assassins in Nigeria (Sani, 2007). Similarly, with the proliferation of small arms, in most cases supplied to armed youth by politicians, the police have been ineffectual in tracking the menace of political assassinations in the country. In other words, insecurity in the face of the incapacitation of the national security agents opens the room for a series of assassinations.

The legal system in Nigeria reflects the nature of the daunting experiences being faced by other institutions of horizontal accountability. One of such experiences is the politicised and

corrupt disposition of the judicial system in the country. The judiciary is largely corrupt. As a result, it compromises its conventional principles of handling criminal justice because politicians gain access to judges mainly through retired senior judicial officers (Durotoye, 2014). In some cases, through the technicalities of law and delayed justice, the judiciary has become another instrument in the hands of politicians to stultify the process of justice. The crux of the matter is that in Nigeria today many celebrated cases of political assassination have remained unresolved, making most Nigerians believe in the conspiracy theory in most of the remote and recent past assassination experiences (Igbinovia, 2003).

The Impact of Political Assassination on Building a Viable Democracy

Political assassination is a serious threat to democratisation because of certain incompatibilities. First, the occurrence of the act of assassination is an antithesis to providing a thriving environment for the realisation of civic rights universally promoted by the United Nations the aspects of which are the guiding philosophy of liberal democracy. Second, the collateral impact of political assassination narrows political space and reduces political participation in the democratic process. There are Nigerians who are interested in contributing their resources to policy-making directly but may yet be discouraged due to their fear of the dirty political game, which political assassination is a part of. For example, the assassination of Mrs. Rasikat Bola Omole, who returned to Nigeria from London to contribute her quota to the country's national development in 2015, could easily scare Nigerians in Diaspora from joining politics in their fatherland for national development. Third, political assassination in countries that are in the process of democratic consolidation casts a serious doubt in the minds of stakeholders for recognition and support. In some cases, international stakeholders bar their citizens from travelling to a country or participating in its transition project such as election monitoring and other strategic partnership that require the active presence of international stakeholders. Nigeria had suffered such experiences prior to the conduct of the 2011 and 2015 elections, when the political

atmosphere in general was tilting towards political violence and general insecurity, particularly as a result of tension and the uncertainties following the assassinations that took place in Rivers, Plateau, Jigawa and Lagos states, among others, during the electioneering campaigns in the build-up to the 2015 general elections.

The democratic credentials of a country like Nigeria are dependent on the capacity of its enabling institutions to withstand political violence in all its various ramifications. The political assassinations that trailed the country since the death of Bola Ige have placed Nigeria on the map of the unhealthy political environment in Africa. The situation today sent a bad signal to the image of the country. Thus, reported cases of assassination on local and international dailies and electronic platforms could lead to democratic reversals of the gains of democracy.

Politics is seen as a gold mine to politicians whose penchant is to amass wealth, most specifically through corrupt practices and shoddy political deals. Covetousness, accumulation and personal aggrandisement are the hallmarks of such politicians, who react to any hitch in their way to power with absolute callousness, usually evident in sponsoring the assassination of the opposition. This challenge is essentially a product of the conception of democracy by the political class and the nature of the society in which politics thrives. As Sule-Kano (2015:15) rightly pointed out:

> The democratic thoughts of the Nigerian dominant class correspond to the objective reality in the present stage of development of the economy and society. Within the character of the Nigerian social formation, as it was incorporated into the logic of the capitalist mode, what appears inherent in the development process, which was a the stage of primitive accumulation, was the generation of some constraints to amicable political and socio-economic relations based on human considerations and social justice.

Political assassination also portends a grave danger to the search for a viable democratic ethos as political unrest and political

assassinations continued in some states in the build-up to the 2015. This is also a scary experience, as it further exposes the fragility of governance and the security architecture of the country. It also sends a message to the international community that all is still not well in the country on security matters and that politics, particularly during the general election period, goes with violence and criminality. This undermines the legitimacy of the Nigerian state and exposes its vulnerability at the time when some developing democracies are making headway in entrenching sustainable democratic practices. In other words, the change of the mantle of leadership from the People's Democratic Party (PDP) to the All Peoples Congress (APC) in 2015 does not necessarily mean a change in the era of political violence. More importantly, the change further reinforces the perspective, which argues that the character of the Nigerian state and that of the political class in the country has remained the same.

Regardless of party affiliations, the location of states or change in the political environment, political assassination knows no bounds in a system that has not engendered political decorum, sanity and consociational means of dispute resolution. The situation, as it is today, compels Durotoye (2014:241) to conclude that:

> Nigeria's ruling elites are "lions" that are self-serving and are prepared to use force to achieve or maintain their positions. Hence, political assassination is a political formula towards achieving or maintaining their positions. Political assassination has continued to undermine the credibility of elections in Nigeria. Any election where violence is allowed to play a prominent role cannot be adjudged to be free and fair election.

Thus, in view of these realities there is the need to ask a question: What is to be done? Within the context of Nigeria's debilitating security and political violence situation, this question can only be answered from multiple dimension of the crisis. This is to say that there is no single straightjacket approach to curbing political assassination even within the context of developed societies. However, the nature and dynamics of any social problem is determined by the systemic, political and logistical factors that constitute the backbone of the environment of a political system.

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This point raises yet another question: what is peculiar about Nigeria and its 'variant' forms of political assassination, if at all there is any difference between the country's experience and those of other emerging democracies in Africa? The answer here is not far-fetched, as the historical trajectories of those societies slightly differ from the ones Nigeria had passed through and have been haunting the country negatively today. But the overriding factor in the case of Nigeria is the character of the political elites whose quest for power has been dictated by the need to expand the accumulation of wealth from the country's centrally controlled rentier oil revenues. This explains why inter- and intra-party conflicts breed violence as a result of the hybridisation of triple political dilemmas-corruption and neo-patrimonial factors, weak institutional bases of political conduct and the absence of the flourishing of the rule of law.

The attractions of public offices have created a condition in which one needs to be a politician to get-rich-quick or be left unhappily poor in other professions. The attractions in the corridors of power are high and the nature of the zero-sum game political competition obviously dictates that the winner takes all. The situation has made politics highly competitive, volatile and vociferously pursued by politicians with less care about the rules of the game. Hence, as uncontrollable treachery sets in motion a new pattern of political relationship, political assassination becomes a means of setting the path to grabbing power and its associated advantages. Therefore, the search for remedies to political assassination in Nigeria can be sought within the imperative of systemic, attitudinal and logistical issues discussed below.

Political Assassination in Nigeria: Which Way Forward?

In view of the trajectories of political assassination in Nigeria today, there is the need for urgent response to the snowballing situation and the impact it creates for the country's toddling democracy. The first major option for the country is to make politics less lucrative, so that politicians can live 'for' politics, as Max Weber argued (1921:4). This is because "politics, just as economic pursuits, may be a man's avocation or his vocation". It is, as Weber further theorised, either one lives 'for' politics or one lives 'off' politics… "He who strives to

make politics a permanent *source of income* lives 'off' politics as a vocation, whereas he who does not do this lives 'for' politics" (Weber, 1921: 5). Contextually, politicians in Nigeria are of the latter category because the ambition of enrichment, which, for some of them who are desperate to grab positions of authority, is a do-or-die affair. Resorting to political assassination is a means of justifying one's end. There is an urgent need to make the position of legislators a part-time job, so that they can live 'for' politics and get away with the temptations of becoming a permanent playmaker with a huge wage bill that makes them feel above the law.

Second, the Nigerian state has to be very proactive by creating an enabling environment for the safety of political figures, particularly when the election period approaches. The period is apparently a beehive of political activities throughout the country. Special security surveillance and monitoring the movements of important political figures for good security cover is required. In this regard, inter-agency collaboration is very important in tracking the suspicious movements of persons. This action, in addition to controlling the proliferation of small arms in major flashpoints of political conflict in the federation, stands to improve the security situation before, during and after elections.

Unresolved cases of politically-motivated killings should be re-opened and thoroughly investigated. Nigeria's experience has so far shown a shocking catalogue of unresolved assassination cases of notable high profile politicians. The perceived notion of sacred cows and political 'untouchables' that have been indicted in the past of conspiracy in political assassinations will not only torpedo the process of justice but also serve to illustrate the weak link in the chain of criminal justice system in the country.

Political parties have a far-reaching role to play in curbing electoral violence. As has been noted earlier, political parties in the Third Republic lack party discipline, internal democracy and adequate mechanisms for conflict management. The collateral damage of these shortfalls in party formation and organisation is the

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manifestation of acrimonious relationship among party members, particularly between party caucus and political aspirants or candidates. If not completely addressed within an acceptable conflict resolution spectrum, such intra-party squabbles often result in breakaway factions or decamping to other parties, thereby leaving a huge problem of internal party conflict and contestations. Aggrieved party members are likely to resort to violence through clandestine ways and political assassination stands appealing to despicable party members. The act of assassination is adopted by an aggrieved member, who acts individually or in a group, as vengeance for his lost opportunities of moving to the next level in his political ambition. Therefore, political parties have to look inward to address the myriad of challenges on the road of actualising internal party democracy.

"Godfatherism" and hijacking party structures by powerful party oligarchs promotes internal party dissent and deep-seated mistrust among party members. Party supremacy is required to entrench a culture of tolerance among political party members. Closely related to this is the urgent need to put political parties on the pedestal of justice and in order to expand the scope of political participation among the rank and file of party members.

Finally and most importantly, a political re-orientation of the Nigerian society towards the understanding of the rope of democracy without a resort to the use of rule of thumb or taking the law into someone's hands is a useful undertaking. In Nigeria's pluralist society, the benefit of political education in sensitising the general public on the need to exercise caution and moderation in the conduct of political activities is profound. First, by undertaking general public enlightenment, the youths who serve as the foot soldiers for politicians would be educated on the implications of gullibly succumbing to the advances of political entrepreneurs. The latter are those politicians that venture into politics to expand their grab of material acquisition. To this category of politicians, politics is an investment by other means and any threat on the path of recouping their hard earned investment would be met with violence of the highest order, that is, political assassination.

Conclusion

Political assassination is a very complex experience around the world. However, its main objective is determined by the victim of the crime and the position he occupies in the political economy of a nation. Over the years, particularly in the post-colonial times, the act of assassination poses a serious dilemma to many African states, Nigeria inclusive. In the latter, the crisis of governance and the debilitating security situation, which have reinforced the rise of militia organisations and malevolent political practices, made politics the fountain of wealth. One of the major impacts of the rising level of political assassination is the reversal of the democratic gains successfully achieved since 1999. Political legitimacy is at stake; likewise the scope of the practice of and participation in the process of governance.

Despite the signing of the so-called "Peace Pact or Peace Accord" by political *dramatis personae* and their parties in the build-up to the 2015 general elections and, recently, as the country's transition to the next level of democratic governance is in top gear, the experience of assassination has not been halted. This is to suggest that the weak institutional mechanisms in Nigeria's body politic need to be interrogated. It is within the interrogation of these mechanisms that a solution to the spate of political assassination can be thought out and drastically minimised, if not totally eliminated. Hence, the chapter recommends the inculcation of democratic values of tolerance among politicians and reduction in material benefits that attract politicians venturing into politics as a vocation in the first instance, as well as re-examining the security design of the country to keep in line with modern development of technology in the prosecution of suspected assassins. There is also the need to open up past cases of political assassinations that have been laid to rest inconclusively and prosecute those found guilty to send a serious warning to would-be perpetrators.

CHAPTER THIRTEEN

Towards Controlling Political Violence in the 2011 General Elections[1]

Introduction

Violence is spontaneous and often unpredictable in scope and in impact. Election-related political violence in Nigeria as in most democracies is as old as party politics (Igbafe and Offiong, 2007; Na'Allah, 2007). Similarly, the phenomenon of election and election-related violence knows no boundary, tribe, community, religion and cultures and nationalities. Indeed, democratic and competitive electoral politics involves disagreement and discontentment among competing political actors and their supporters. Whereas the goal of any election is to determine who wins and who loses from various contestants for public office, the losers perceive its outcome differently. As a core mechanism designed to avoid disagreement, elections in Nigeria as in many other countries around the world, particularly in countries transitioning toward consolidating their democracies, have become a source of discontent and acrimonious relationships between winners and losers.

In Nigeria, each time general elections approach, hysteria and a general feeling of uncertainty pervade the minds of citizens. As the political competition increases by the day, so does the political temperature of the polity. In the face of heightened insecurity and fear of losing at the polls, political parties and their supporters resort to undemocratic and unconventional means of expressing their discontent. This is often manifested in physical confrontation,

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[1]Presented at a sensitization workshop for youth on "Election and Election Related Violence – Towards the 2011 General Elections", organised by Mambayya House, Bayero University, Kano, with the support of INEC, held at Dankani Hotel, Kalambaina Road, Sokoto, March 2011.

assault and mayhem, which not only threaten the possibility of credible, free and fair elections but also deface the democratisation process in general. At its most callous and unfortunate manifestations, electoral violence often leads to political assassination, civil strife and social and political tension, as well as sporadic clashes between two antagonistic political rivals.

Since independence in 1960, the task of nation building under a democratic transition has been characterised by violence and a catalogue of irregularities in the case of the First Republic (1960-1966), resulted in the collapse of the Westminster parliamentary system of government. In the Second (1979-1983) and the aborted Third Republics (1993), electoral violence was used to scare voters and steal their mandates as well as undermine the credibility of electoral and political institutions of governance. Since the return to civil rule in 1999, electoral violence in Nigeria has become endemic, as it reached a frightening dimension in 2003 and 2007 elections respectively, with the cold blooded murder of politicians across the various political spectra and the general feeling of insecurity and tension in the country.

It is against the above background that this chapter examines the imperatives of curbing political violence in the 2011 elections. The chapter is predicated on the belief that electoral violence is surmountable if adequate measures are taken to avert it. It is divided into four sections. Section One is the introduction. In Section Two, the chapter examines the meaning of electoral violence, its scope and patterns in Nigeria. Section Three provides a synopsis on electoral violence in Nigeria. In Section Four the causes and patterns of electoral violence in Nigeria have been discussed. Measures of controlling election violence in the country have been the focus of section five of the chapter. Finally, the fourth section concludes the chapter.

The Meaning and Scope of Election Violence
Violence occurs at the different levels of human social interaction because the condition that sparks it changes from one environment

to another and from one reason to another with varying consequences. It is defined as the physical onslaught meted out on an individual or a group, but it is not only defined to include harm but the threat of harm as well. This conception of violence constitutes the most widely referred element that defines election violence. According to IFES's Election Violence Education and Resolution Programme (cited in Sharma and Kammerud, undated:1) "election violence is any harm or threat of harm to any person or property involved in the election process, or to the election process itself, during the election period". Thus, intimidation or verbal threat can be an effective tool used by the perpetrators of political violence to scare people from participating in the voter registration exercise or casting their votes during the election period.

The perpetrators of election violence have their goals defined in terms of either thwarting the process of the election exercise or creating a state of confusion that could generate doubt in the conduct of credible, free and fair elections. In either case, the target of the parties involved in the perpetration of violent behaviour is to ensure that their action is beneficial to them in settling a political score or marring the entire electoral process in their favour.

Although not every violent situation creates conflict, it often leads to it with varying ramifications. Furthermore, not every incident of violence is regarded as electoral violence. There is a world of difference between *political violence* and *election violence*. The former is a politically-motivated violence that occurs before the election period; it may be a regular pattern or episodic with varying costs and dimensions. It is often used as a generic term to denote every other violence that is politically-related, including electoral violence. The latter is specific and period bound; it occurs before, during and in the post-election period when election results are declared. For an incident of violence to be considered election violence, it has to fall within the election period. This period differs from one country to another, but in most cases, the election period in most countries begins with voter registration. In this period, the magnitude of violence is very high as competition for power among political parties and contenders creates an atmosphere of intolerance,

suspicion of electoral rigging by weaker or stronger parties or restiveness on the part of political party supporters, mainly the youths. In this scenario, the underlying features of electoral violence take the form of political assassination, assault, derogatory or abusive remarks against opposition candidates or groups, the creation of commotion at voter registration units, the vandalisation of public property to express anger, arson and dispersal of election officials, voters or observers and open clashes with security agents, among others.

The point to note in the preceding discussion is the direction of political violence. Political violence can be essentially directed against both *persons* and *property* during the period of elections. However, it needs to be stressed that the principal agency of violence in most societies are the youths. In Nigeria, this social group has been the easy target of manipulation by politicians, who convert a large number of unemployed youths into the rank and file of foot soldiers often as thugs and militia groups for their political end.

Electoral Violence in Nigeria–A Brief Historical Overview
In order to understand the character, causes and dynamics of political violence in Nigeria, it is important to provide, albeit in brief, the historical antecedents of election in the country *vis-à-vis* the underlying factors that precipitate electoral violence. The first major election conducted in Nigeria in which political parties participated under colonial rule was in 1923. The election was carried out in Lagos and Calabar constituencies and overwhelmingly won in a very peaceful atmosphere by the Herbert Macaulay's Nigeria National Democratic Party (NNDP). Peaceful conduct of election at that period was made possible because the political stakes did not cover the issue of money, but that of honour and the spirit of nationalism.

In the later years of the country's experience of electoral politics, before independence, elections were devoid of violence, as it is in modern Nigerian politics. For example, in the 1951/52 elections,

politicians were not thinking in terms of money or perceived politics as a "do-or-die" affair, but essentially a competition for regional hegemony for grassroots development. Although as more and more federal power came to the regional governments, "politics became more and more attractive" and gradually but steadily, "violence was also escalating but not to the extent that we now have" (Tamuno, 2003:30).

The manifestation of electoral violence started in the 1954/59 and 1964/65 federal and regional elections. Violence was caused by the quest for regional political parties to compete for political control of the centre or maintain their power and continued the use of state institutions of coercion in order to consolidate their power base in their respective regions through political repression. The case of NPC's onslaught in the North, which was specifically meted out on the United Middle Belt Congress (UMBC) and Northern Elements Progressive Union (NEPU) supporters and other minorities in the then Middle Belt region, are clear cases in point to exemplify the kind of political violence in the pre-independence period (Tseayo, 1975). On the other hand, the Western regional elections of 1965 did also expose the nature of political discontent associated with Nigerian politics of the "winner-takes-all" syndrome and the fragility of the Westminster parliamentary system in the country. But even with the case of the political violence before and in the aftermath of Western region election and the *Operation we tie,* as it is known, violence in the First Republic had been essentially driven by power politics rather than competition for scarce resources.

The most critical factor that encouraged violence to its near armed conflict condition today has been the huge oil money the country had received in the 1970s. While, on the one hand, oil revenue has produced wealth for the country, on the other hand, it engendered money politics and its attendant consequences manifested in violent behaviour during the election period (Smah, 2008). Since then, as Tamuno argues (2003:29), politics in Nigeria "produced the only set of triplets that Nigeria looked for, most anxiously. One, wealth; two, power; and three, fame". Taken together, these factors according to

Tamuno (2003:29) have exacerbated the politics of open conflict because:

> No other industry produces those triplets except politics and you can now see why they [politicians] were all rushing and where there are many competitors there will be many losers you won't have enough to share to the extent that all competitors will have at the same time.

In the Second and in the aborted Third Republics, the conflict scenario witnessed in the post electoral process remained the same, with varying consequences on the process of democratic transition, "but not too much bloodshed". The nullification of the June 12 1993 presidential election that was largely peaceful brought about political violence. This was mainly state-induced political violence. The annulment was the handiwork of the military junta that initiated and guided the transition to civil rule programme. The political violence that greeted the June 12 nullification was not masterminded by politicians per se but by the aggrieved pro-democracy groups and targeted against the authoritarian military regime. In its response to pro-democracy waves of violent protests, the military regime vociferously and violently reacted with profound violation of human rights and the rule of law.

Since the return to civil rule in 1999, electoral violence has taken a new frightening dimension as its level of sophistication reaches an unimaginable proportion. In the 1999, 2003 and 2007 elections, the phenomenal upsurge of election and election-related violence put a question mark on the country's seriousness in building a solid foundation for democracy. There are numerous negative dimensions of the heightened violence as some politicians sponsored political assassinations and recruited gangs of jobless youth to carry out systematic assault against political opponents and innocent Nigerians. The magnitude of political violence today is very high. This has made the success of any election in the country unpredictable.

Indeed, as the 2011 polls fast approached, politically-motivated violence reared its ugly head, threatening not only the democratic

transition the country had been undergoing but also cast doubts about the possibility of peaceful transition. For example, in August 2010, unknown men in Edo State assassinated an aspirant for a House of Assembly seat and a security aide to the Governor of Bauchi State was also shot dead. The situation was the same in Sokoto with the politically motivated murder of a PDP stalwart in January 2011. In Anambra and other Eastern states of Nigeria, political assassinations and high level political kidnappings were the recurrent decimals that captured the cover stories of national dailies (Igbafe and Offiong, 2007). The Achilles hills of pre-election political violence came on 20th January, 2011, barely two weeks after the ANPP primary elections in Borno State as the party's gubernatorial candidate, Alhaji Fanami Gubio, and six others were shot dead by unknown gunmen. Thus, Smah (2008:78) argues that:

> Election years are critical years in Nigeria. Prior to actual dates and times of elections, opponents become targets of assassinations and murder. The nexus between incidences of murder and assassinations and election years seem to be strongly correlated.

In view of the issues raised above, there is the need to search for a viable answer to the wanton killings and maiming of people in the country and the destruction of public property in the name of anger over the conduct of party politics in Nigeria's democracy. This intervention is necessary because political violence has proved to be a ceaseless experience in Nigerian politics. A report by the Nigeria Civil Society Situation Room (2019), which reveals that 58 persons were killed during the 2019 general elections alone (*Punch*, March 11, 2019), calls for the need to exercise rule of law on political violence in the country. Before going into that discussion, a summary of the pattern of electoral violence is very important to elucidate the practical measures of controlling future electoral violence in the country.

The Propensities of Electoral Violence in Nigeria
There are different types of electoral violence in Nigeria. First, it can occur during the registration of voters, when aggrieved party

supporters could not get voter registration cards or feel highly demoralised with the conduct of the voter registration exercise. The aim of perpetrators of violence here is to sabotage the process of registration in order to disenfranchise the supporters of the opposition party, a community or constituency.

Second, election violence occurs when the supporters of a political party seek to disrupt their opponent's campaign proceedings. This type of electoral violence was very common in the First and Second Republics. It has also been manifested in various states of the federation in the current democratisation process.

Third, there is the use of threat or violence to intimidate voters or influence their voting behaviour in the actual voting exercise. This type of violence occurs when there is intense competition between political parties for voter support. In this case, weak parties always consider strong parties as a threat. Sometimes the incumbency advantage allows the incumbent to resort to vote buying and other forms of election fraud in order to gain electoral advantage with dare consequences. The scenario depicts the situation in Rivers State, particularly during the 2019 general elections. Political violence was widespread in the state to the extent that INEC had, in line with Section 26 of the Electoral Act, 2010 (as amended) and Clause 47 (5) of the Regulations and Guidelines of the Commission to suspend elections conducted on March 9, 2019 in order to ensure the safety of its staff. The violence, as INEC's spokeperson, Festus Okoye, stated was meant to scare voters and intimidate election officials. It took the form of taking INEC staff hostage and materials, including result sheets, that were either seized or destroyed by hoodlooms (*Daily Trust*, Monday March 11, 2019:3).

In fact, since 2011, elections in Rivers State have been a major theatre of violence of this type, which further escalated after the 2015 elections. The Nigeria Civil Society Situation Room pointed out that from February 23 Presidential election to 11th Match, twenty eight (28) Nigerians had died in the state (*Punch*, March 11, 2019).

Fourth, electoral violence can occur in disputes over election results and the inability of judicial mechanisms to resolve these disputes. A prominent example of this type of violence was the violence that greeted the annulment of the June 12, 1993 elections in Nigeria.

Fifth, election violence occurs when there is a history of violent action against the state in a community or locality. This type of violence has become common in the disenchanted Niger Delta region of Nigeria. The volatility of the area coupled with the nature of the environment constitutes a major threat to the conduct of peaceful elections. Violence erupts intermittently in the region to obstruct the conduct of elections either to protest the socio-economic conditions of the people or in support of a candidate.

Sixth, popular sentiment against real or perceived electoral rigging, often with the support of the electoral body, security agencies or any state institution, could cause electoral violence. This type of violence was the type experienced in some parts of the country following the PDP electoral victory in many states of the federation in the 2007 elections.

Seventh, there is state-fomented and ignited political violence. Governments, in order to ensure that they sustain themselves in power, also use election violence, especially when it is apparent that going to the polls would never be to their advantage. This type of violence is state-sponsored and aimed at implanting fear in the minds of the general public, so as to compel them to vote for incumbent leaders, who always portray themselves as the restorers of peace or epitomes of security. The governorship re-run election held in Kano State on March 23, 2019 captured this trend. State-sponsored political thugs tormented the opposition and independent observers like media houses were not provided with adequate security to guarantee a comprehensive reportage of what transpired during the elections. Opposition PDP supporters were attacked and violence reported in some hot spot polling units. In fact, it was primarily the result of the stage-managed electoral violence in some polling units in Kano on March 9, 2019, that led to the declaration of

the election as inconclusive and the eventual conduct of the re-run governorship election in the state.

Eighth, the euphoria of electoral victory irritates aggrieved supporters of the defeated candidate or party. This type of election violence is caused by the overexcitement of supporters after winning an electoral contest. The over joyfulness of it often irks losers.

Generally, the different types of electoral violence can be subsumed into three - pre-election, election and post-election violence. In either case, in Nigeria, the history of election violence suggests that these types of election violence manifested at various points of elections in the country. Hence, Onwudiwe and Berwind-Dart (2010:5) succinctly observe that:

> Whether sponsored or spontaneous, election-related conflicts are distinctive, signifying discontent around tightly interwoven social and economic concerns. In Nigeria, these concerns include dissatisfaction with government performance, competition for resources, inter-and intra-group distrust, joblessness, and anger at an abundance of unscrupulous politicians with little respect for due process or rule of law.

Thus, from the preceding background, one can observe that electoral violence is multifaceted. Onwudiwe and Berwind-Dart (2010) have identified four related categories of electoral violence–intra-party feuding, inter-party clashes, electoral-events violence, and communal unrest. Therefore, given the multidimensional nature of electoral violence in Nigeria, it can be said that as the country fast approached the 2011 election, which, as the former U.S. Ambassador to Nigeria, John Campbell (2010:1), says, could lead to "post-election sectarian violence, paralysis of the executive branch, and even a coup". Therefore, a multifaceted approach is needed to avert electoral violence.

Strategies for Curbing Electoral Violence in the 2011 Elections
Given the various causes of political violence, one can concur with Kyari Tijjani (2003) that curbing electoral violence is not just a one-day affair that can be resolved on the eve of the general elections. It

is a process that takes its natural course a long time before elections. This does not mean that as the 2011 elections approached, adequate measures could not be taken to reduce or possibly eliminate anticipated electoral violence in the country. There is the need, particularly in the North-west geo-political zone of the country, to undertake identification and risk mapping of the flash points of political violence. This is very important in the sense that adequate pre-emptive measures are needed in order to uncover the potential areas that could generate political violence. Actors such as jobless youth with high tendency to engage in violent activities, particularly among the so-called *Yan Jagaliya,* and militia groups and other factors that aggravate the risk of election violence have to be clearly mapped out, monitored and checked in time. Data obtained from the mapping of conflict-prone actors could aid security agents and electoral stakeholders in determining when, how and at what period to act. In the event of any early warning signals, security agents are expected to take prompt action to avert any real outbreak of violence, especially during and after elections.

Also, there is the need to punish those who aggravate political violence and their sponsors, who are mainly politicians, no matter the high offices they occupy in the society. This is because the spate of political violence changes with the sophistication of the political class, resulting in new modes of sponsoring violence across the country. For example, a credible intelligence report by the Nigerian Army suggested that political thugs were kitted in military uniforms and hired by politicians to impersonate soldiers during the 2019 elections (*Daily Trust*, Monday 11, 2019:3).

It is worth mentioning that the Electoral Act 2010 has provided the enabling laws to bring to book any person or organisation that violates electoral laws. However, experience has shown that in Nigeria, these laws are rarely used for the punishment of culprits. In most cases, those who can pass bills are the first to transgress and violate electoral laws. For example, in respect of political parties, Article 227 of the Constitution of the Federal Republic of Nigeria (1999) states that no association shall retain, organise, train or equip any person or a group of persons for the purpose of display of

physical force or coercion in promoting any political objective or interest. However, political parties in Nigeria and individual contestants of public offices today have their private security guards, who are mainly political thug, supplied by their bosses with arms to assassinate political opponents, etc.

Therefore, the need for punishing errant politicians or political parties through the disqualification of candidates who violated the electoral law or the Constitution of the country is a step in the right direction towards addressing the drivers of political violence. Electoral reform in Nigeria should take into cognisance the setting up of Electoral Offences Commission to address the need for the punishment of errant politicians and political parties. This was one of the recommendations of the Justice (Retd.) Muhammadu Lawal Uwais Electoral Reform Committee set up by President Yar'adua in August 2007. But government's response to many of the Committee's recommendations had been lukewarm.

There is the need to re-define the concept and purposes of politics in Nigeria. There is a popular belief held by most Nigerians that to get rich quickly one has to venture into politics. Politicians find politics as an industry they can invest in and reap the fruits of their investment later through personal aggrandisement. This view is what propels some politicians to venture into any political contest. Any stumbling block that can offset the goal of politicians is regarded as a threat to their personal survival, which can be addressed with violent action.

As public office produces hundreds of thousands of millionaires at the end of every political transition, the concept of "do-or-die" in politics has been entrenched gradually in Nigeria's body polity. Redefining the concept of politics from essentially a money making venture to selfless service to humanity for equity, redistributive justice, unity and national development could be a long rather than a short-term measure, but it is a pleasant route to overcome personal prejudice and the winner-takes-all syndrome in Nigerian politics. In a way, the change in the political culture of the political actors and

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civil society is needed to forestall the personalisation of rule, which creates an enabling environment for competition for riches with profound consequences on peaceful political transition.

Nigeria needs to develop concrete institutions and adopt sound measures that are politically neutral to address the phenomenon of corruption in the country. Corruption begets discontentment and raises the level of anxiety for the acquisition of wealth through extra-legal courses of action. As one of the serious cankerworms that scuttle national development, corruption generates new forms of political alliances and relationships, such as 'godfatherism' and money politics. Therefore, addressing corruption through independent, apolitical and neutral agencies can go a long way in nipping in the bud the phenomenon of banditry and vandalism that has characterised Nigerian politics for a long time.

Overcoming election rigging is a major solution to electoral violence. Election rigging has been a recurrent decimal in Nigerian politics and contributed immensely in denting the profile of Nigeria's nascent democracy in the past and in the current phase of democratisation process. Electoral rigging breeds electoral violence, as in the case of the electoral violence that greeted the 2007 elections in some states of the federation. Therefore, a truly Independent National Electoral Commission (INEC) with adequate preparation prior to the general election could detect and checkmate electoral rigging. A roadmap to end political violence is said to be drafted when every individual vote counts and is counted in a free and fair election. From the experience of past elections in Nigeria since 1999, most of the conflict zones of election and election-related violence have been areas or states where unpopular candidates emerged victorious at the polls or where elections never take place but winners have been declared.

There is also the need for the active participation of Civil Society Organisations (CSOs) by establishing networks with other stakeholders on electoral violence. The task of ensuring a peaceful democratic transition is not a one-man job or institution. Civil

society organisations should establish a synergy and reach out to communities or areas mapped out as politically volatile. The work of NGOs on the electoral process has been very positive because their sensitisation programmes through drama and roadshows instil a modicum of control on youth, who are mainly the perpetrators of conflict during and in post election periods. The need for engagement with other stakeholders (political parties, academics and community development and development associations) through workshops and seminars is feasible as the 2011 general elections approached fast. Also, conflict prevention programmes must reach the right audience, such as political party bureaucracy, security agents, youths and traditional rulers as well as community development leaders on the need to be proactive on matters of monitoring and reporting any possible outbreak of electoral violence and its prevention.

The last but not the least is the need to roll out extensive and far reaching public enlightenment campaigns in the media on the need for tolerance and accommodation on election related issues. Media plays a profound role in the sensitisation of the general public on issues of democracy and its relevant processes. Through educative programmes, radio jingles and news bulletin reports, electronic media contribute to awareness creation for the building of democratic tradition of non-violent political process.

Conclusion
The 2011 elections required the participation of various stakeholders and critical sectors of the society. Political violence in the country is multifaceted and can be overcome using a multidimensional approach, as discussed above. It is interesting to note that the fate of Nigeria's democracy depends on the political legitimacy of leaders and the capacity of democratic institutions to have their firm roots in the country. This can be achieved through the peaceful conduct of elections, political stability and the cultivation of political tolerance in the minds of politicians and the civil society. The realisation of peaceful elections in Nigeria depends on the credible management of elections by the electoral umpire, the acceptance of defeat by politicians and shunning political violence by the teeming number of

jobless youth. Other factors, though not the least, are favourable economic conditions that can provide room for employment of youths and adequately training security agents that supervise elections. The security agents must be impartial not partisan, as in the previous elections, and the punishment of errant politicians, who mischievously perpetrate electoral violence, should be made in line with the provision of the relevant laws.

CHAPTER FOURTEEN

Assessing the Success of Nigeria's 2015 General Elections for Sustainable Democracy[1]

Introduction

Democracy and elections are two sides of the same coin. The former depends on the latter for its sustenance and development. However, the conduct of periodic elections does not necessarily guarantee the institutionalisation of democracy. There may be elections without democracy, but there can be no democracy without elections. The history of elections in Nigeria has been associated with a lot of imperfections, uncertainties and unhealthy conduct. The outcome of the successive electoral process had in most cases resulted in various contestations, ranging from disagreement over the authenticity of the results declared; accusations and counter-accusations of electoral rigging and misconduct, to electoral violence of varying proportions. The overall result of this form of political culture has been a systematic development of a state of pessimism in the minds of Nigerians across the country that the system of Nigeria's electoral process is unlikely to engender a credible election in the country. Thus, it was erroneously believed that election in Nigeria could hardly be contested free and fair, let alone have its outcome accepted as credible. Even more serious about the electoral process in the country was the track record of its deficit in the eyes of the public which makes the Election Management Body (EMB) and the Independent National Electoral Commission (INEC) suffer a serious public mistrust among other limitations. However, despite all these odds, history was made in Nigeria's democratisation and electoral processes on March 28, 2015 when the country successfully held the

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general elections, which were eventually adjudged free, fair and credible, at least in comparison to the country's past experimentation with the exercise. The election heralded the opposition political party, the All Progressives Congress (APC), as the winner by more than 2.5 million votes and ousted the ruling People's Democratic Party (PDP) from the corridors of power to which it had clung since 1999 when the country returned to civil rule after a prolonged period of military rule.

The 2015 general election, which was described by the former US Assistant Secretary of States, Johnnie Carson, as being both "intensively watched and extremely important"(Cited in Wilson and Liang-Fenton, 2014), was the first in the history of Nigeria which saw an incumbent government defeated at the polls and provided a successful transition from one civilian rule to another. This change of government from the ruling to the opposition party is a political milestone, which has been applauded locally and internationally. Not only has Nigeria, for the first time, passed through the troubled waters of elections unscathed, but it also reclaimed, in the eyes of the international community, her worthiness as a democratising nation with its readiness to uphold a democratic option as an effective and enduring approach to address the country's nauseating electoral performance and leadership quagmire. By conceding defeat at the poll even before the last count of the votes on March 31 via a telephone conversation with the opposition candidate, the incumbent president had controlled the nerves of political trouble-makers and their instigators and instantaneously discarded the negative hypothetical conceptions that the outcome of the election would lead to the country's disintegration.

However, beyond the successful outcome of the Nigeria's 2015 general elections, there were reported infractions and irregularities in a number of states, including high profile cases of electoral misconduct, electoral violence and logistical issues. Hence, it is important to assess the build-up to the exercise, its conduct, its patterns and dynamics in order to lay bare its shortcomings for future adjustments and appreciate its areas of strengths for democratic consolidation.

Therefore, this chapter is divided into six sections. Section One is the introduction. Section Two discusses the method adopted in the analysis of the 2015 elections. In Section Three, a general background to the 2015 general election is examined in order to set out the context of assessing the election and the issues involved in it. In Section Four, the chapter provides an overview of the various variables set out above for the assessment of the election and explains how each contributed to the process of engendering peaceful and credible election in the country. The challenges and prospects of election in Nigeria constitute the Fifth Section and, finally, the Sixth Section concludes the chapter.

Theoretical Perspective

According to Mackenzie (1967), there are four conditions of free and fair elections: the existence of an independent judiciary; the existence of an independent electoral body; the existence of a well-developed system of political parties and the acceptance of the rules of political game by politicians and their party supporters (Ujo, 2004:2). The identification of the acceptance of the rule of political game and the resolution of national issues through competitive elections have also been re-echoed by political theorists. Out of the eight problems with African polities identified by Celestian Monga (1997), the weakness of political parties, the manipulation of the electoral process and privatised violence and politicised armies occupy the central concerns of most democratising African states. This argument also begets Niall Ferguson's identification of three thresholds that democratising nations must pass – "non-violent resolution of political competition, the acceptance of alternation in power, and the supremacy of the rule of law" (Joseph, 2007:105).

Therefore, following Mackenzie's, Monga's and Ferguson's postulations and the evidence available from Nigeria's electoral process in 2015, free, fair and credible elections were the result of the non-violent end of the electoral process, which was made possible as a result of the acceptance of the electoral verdict, even if reluctantly, by the ruling party; the independence of the electoral umpire presiding the management of the election and the ability of the electorate to influence political change without violence. In

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essence, therefore, as a political process not just a mere political event, an election can be holistically assessed from the context of the political actors and institutions that constitute its drivers of change. Accordingly, this chapter identifies multiple agencies that can be regarded as actors in Nigeria's electoral process and captures only the critical factors that would help to assess the 2015 general election rather than a case-by-case presentation of actors and their contribution to the success of the electoral process. Conceived from this method of analysis, it is also necessary to raise questions about some pertinent issues about the 2015 general election before assessing its general conduct for sustainable democracy in Nigeria. These are: What are the factors responsible for the success of the election? What lessons did the elections teach for the sustenance of democracy in Nigeria and other developing democracies?

Background to the 2015 General Elections
The background to Nigeria's 2015 general elections can be traced to the trailing political changes which started in the aftermath of the 2007 general elections, elsewhere described as the most seriously flawed election ever (International Crisis Group, 2014), and the subsequent electoral reform initiated by President Umaru Musa Yar'adua. Similarly, the conduct of the 2015 general election was profoundly influenced by that of the 2011 because the political insinuations, alliances and counter-alliances, decamping, cross-carpeting and, substantially, the political brinksmanship that characterised the four-year term of President Goodluck Ebele Jonathan of the ruling PDP is the nauseating experience of politics and governance that led to a new dawn in Nigeria's electoral process. More importantly, the President's resolve to further empower the electoral umpire and make it a relatively more independent institution had received instantaneous applause by a broad spectrum of the Nigerian society when he finally appointed a scholar-activist in the person of Professor Attahiru Muhammadu Jega as the new INEC chairman. Jega replaced Professor Maurice Iwu, who steered the conduct of the 2003 and 2007 elections respectively and was adjudged a partisan player in the electoral successes of the ruling party. On its part, INEC under Jega's leadership was able to introduce promising reforms for the successful conduct of the 2015

general elections and measures that would make the exercise relatively free, fair and credible (Ibrahim and Hassan, 2013).

The most prominent among the reforms agenda of INEC prior to the election included, but not limited to, the introduction of the biometric register of voters, a Re-modified Open Ballot System (REMOBS) and improved security features on sensitive electoral materials (i.e. serial numbering and colour coding of ballot papers and result sheets, as well as security coding of Ballot Boxes). Others were the introduction of more transparent framework for results collation and returns, closer collaboration and partnerships with a range of critical stakeholders, enhanced voter education, the creation of Inter-agency Consultative Committee on Election Security (ICCES), continuous voter registration, the use of Youth Corps members, university staff and other professional bodies as ad-hoc staff and of course and the use of the card reader machine to accredit voters before casting their votes (Jega, 2015a). One of the areas that assisted INEC to unfold its reforms in earnest was the release of on N87.7 billion budget for the procurement of the 2015 election materials, which represents one of the largest budgets approved for an agency in recent times (Jega, 2015c:61) and the support the Commission received from international agencies.

The Nigerian general elections of the 2015 were the fifth in the series of elections held since the end of military rule in 1999. The election was critical to the survival of democracy, as it was for peace and security in the country. It came at a crucial moment in the life of the country when violence, kidnapping, political assassination and insecurity were becoming a recurring decimal in the Nigerian politics. The election tested the capacity and willingness of Nigerians to accommodate a peaceful change of government and consolidate democracy. Besides these concerns, the election was anticipated to be more contentious than ever because its background was characterised by security challenges unknown in the past exercises. A large part of the electoral population was facing insurgency and the situation was apparently not very receptive for the conduct of election, especially in the North-east of the country. With hundreds of thousands of inhabitants internally displaced,

some of them found refuge in neighbouring countries like Chad, Niger and Cameroon, a state of pessimism about the success of the election occupied the minds of Nigerians. Although INEC had set up a committee to look into how the displaced persons could vote, still many Internally Displaced Persons (IDPs) were traumatised to the extent of becoming disillusioned about the peaceful conduct of elections in their despicable camps. Worse still, as the activities of the insurgents continued unabated, the number of IDPs was on the rise to defy any contingency measures that the Commission intended to provide (Mohammed, 2015a).

Second, the risks of violence were high, as barely less than forty days to the election pre-election violence increased. This time around, unlike the 2011 election where the North was speculated to be the theatre of political violence, the geography of violence in 2015 had changed fundamentally from the flashpoints of conflict in the north to the South-south and the South-west. The violence in Ekiti State between the supporters of the PDP and the APC before and after the 2014 gubernatorial election in the state, the shooting of APC supporters in Port Harcourt, Rivers State on January 6, 2015, the bombing of the APC campaign office in Okrika and the burning of Jonathan Campaign vehicles in Sololo, Jos Plateau State were indicative of how charged supporters of the two major political parties were and what their responses would look like in the event of the unfavourable outcome of election results in the 2015 election.

Third, the political dynamics and the change in power relations following the merger of opposition parties created a new platform of political competition in which the traditional appeal to ethnicity, religion or region by politicians was significantly doused. Against the background of the 2011 election, which was highly divisive as primordial loyalties were used not only in the campaign rallies of the then two dominant parties (the PDP and the CPC) (Paden, 2015), it was envisaged that the same fate would befall the 2015 general elections and even mar the corporate existence of the country.

Source: Independent National Electoral Commission Nigeria

Figure 1: Geography of the 2011 Election

This situation had raised concern for the next election but as the reach and appeal of the opposition party grew in various parts of the country, a different scenario for the 2015 election was in sight. Indeed, the two dominant parties were national in structure, membership and supporters and their presidential flag bearers had contested for the same office in 2011, while in 2015 fresh hopes for victory at the polls were not lost by each of the party. However, the emergence of Muhammadu Buhari as the APC presidential candidate and his party's successful moves in attracting some notable PDP members decamping to the party did not only destabilise the ruling party but also added another likely scenario of the changing pattern of power relations in Nigeria.

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Nigeria's 2015 General Elections: A Critical Overview

The tenure of the office of the President, Vice President, Governors and Deputy Governors of all the states of the federation except Anambra, Bayelsa, Kogi, Edo, Ondo, Ekiti and Osun States and the membership of the National and State Assemblies expired on the 28th day of May, 2015. Thus, the 2015 general elections were first scheduled to hold on February 14, 2015 but the electoral commission postponed it by six weeks to March 28 amidst suspicion expressed in different quarters that the exercise might not see the light of the day. The electoral commission's chairman had earlier briefed the National Council of State meeting on February 5, 2015 about the commission's level of preparedness to conduct the election, but "after carefully weighing the suggestions from briefing held with different stakeholders in the electoral process", made a u-turn and announced the postponement.

Table 4: INEC Time-table and Schedule of Activities for General Elections, 2015

S/N	Activity	Date	REMARK
1	Name of election	1st October 2014	Section 30(1) of the Electoral Act, 2010 (as amended) provides no later than 90 days before the election.
2.	Commencement of campaign by political parties.	Presidential and National Assembly-16th November, 2014 Governorship and State House of Assembly-30th November, 2014	Section 99(1) of the Electoral Act 2010 (as amended) provides 90 days before polling day.

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3	Collection of forms for all elections by political parties	4th-11th November, 2014	For political parties to issue to their candidates at INEC Headquarters.
4.	Conduct of Party primaries including resolution of disputes arising from the Primaries.	Commencement date 2nd October 2014 Ends 11th December, 2014	To enable Political Parties democratically nominate candidates for the election as required by Section 87 of the Electoral Act, 2010 (as amended)
5	Last day of submission of Forms CF001 and CF002 at the INEC Headquarters (for all elections).	Presidential and National Assembly-18th December, 2014 Governorship and State House of Assembly - 25th December, 2014	Section 31 (1) of the Electoral Act, 2010 (as amended) provides for not later than 60 days before the election.
6	Publication of personal particulars of Candidates (CF001) (for all elections)	Presidential and National Assembly-25th December, 2014 Governorship and State House of Assembly- 1st January, 2015	Section 31(3) of the Electoral Act, 2010 (as amended) provides for publication within 7 days of the receipt of the Form CF001

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7	Last day of withdrawal by candidate(s) replacement of withdrawn candidate(s) by political parties.	Presidential and National Assembly -30th December, 2014 Governorship and State House of Assembly- 13th January, 2015	Section 35 of the Electoral Act, 2010 (as amended) provides for not later than 45 days before the election.
8	Last day for the submission of nomination forms by political parties.	Presidential and National Assembly -6th January, 2015 Governorship and State House of Assembly - 20th January, 2015	Section 32,37,38,39 of the Electoral Act, 2010 (as amended). Commission to appoint time for submission.
9	Publication of official register of voters for the election.	13th January, 2015	Section 30 of the Electoral Act, 2010 (as amended) provides not later than 30 days before the election.
10	Publication of list of nominated candidates.	Presidential and National Assembly-13th January, 2015 Governorship and State House of Assembly - 27th January, 2015	Section 34 of the Election Act, 2010 (as amended) provides at least 30 days before the day of the election.

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11	Publication of notice of poll **(for all elections)**	28th January, 2015	Section 46 of the Electoral Act, 2010 (as amended) provides not later than 14 days before the election.
12	Submission of names of party agents for the election to the electoral officer of the local government areas or area Council.	Presidential and National Assembly-29th January, 2015 Governorship and State House of Assembly-12th February, 2015	Section 45 of the Electoral Act, 2010 (as amended) Provides not later than 7 days before the election.
13.	Last day for campaigns	Presidential and National Assembly-12th February, 2015 Governorship and State House of Assembly - 26th February, 2015	Section 99(1) of the Electoral Act, 2010 (as amended) prohibits Advertisements or broadcasts of campaigns 24 hours prior to the day of the election.
14	**Dates of Elections** National Assembly/Presidential Governorship/State House of Assembly	Presidential and National Assembly- 14th February, 2015 Governorship and State House of Assembly-28th February, 2015	Section 25 of the Electoral Act, 2010 (as amended) provides that the Commission is to appoint a date not earlier than 150 days but not later than 30 days before the expiration of the term of office of the last holder of that office.

Source: INEC, 2014. *Note: (i) Run-off election to the office of the president or governor of a State (if any) will be held within 7 days after the announcement of

the result of the election in accordance with the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

The postponement, Jega argued, was mainly informed by the rising spate of insecurity in the North-eastern states of the country and the apparent realisation that the safety of the exercise and the personnel involved would not be guaranteed by the security agencies (Jega, 2015b). Naturally, the postponement generated mixed reactions among Nigerians and the international community but in the end it could be regarded as a blessing in disguise for at least three reasons. First, the postponement gave INEC the advantage of overcoming the problem of low PVC distribution and strengthened its coverage of prospective voters in the country. As at the period of postponement in February 4, the total number of PVCs collected throughout the country was 45,829,808, representing 66.58% of the total number of registered voters (Jega, 2015b), but by February 17, this number increased to 52,233,396 (75. 88%) of the total number of registered voters. Indeed, within the six weeks period of the election postponement, INEC recorded a 80.61 % collection rate of voter cards.

Second, the postponement also gave another opportunity for the competing political parties to further muster their energies for campaign activities, especially in areas where they did not reach out before the postponement. Third, it mellowed down the tension, anxiety and hysteria that characterised the pre-election period, which, in the case of Rivers State, was characterised by violent confrontations between the supporters of the PDP and the APC.

The level of INEC preparedness for the 2015 elections was very high, so was the spirit of voters at the 155,000 polling units provided nationwide. For any successful election to be held, the provision of adequate materials for its conduct must be readily available, secured neatly and used with expertise. Indeed, the hallmark of the election revolved around the deployment of election materials. It has been noted that past experience of elections in Nigeria had in some cases been associated with the non-arrival, insufficient supply or even

snatching of election materials by brigands and thugs or deliberately delaying their procurement by some election officials.

It should be noted that the latitude of Nigeria's electoral geography is very vast, covering 36 states, one federal capital territory and 774 local governments with 990 constituencies and 69 million eligible voters. Therefore, it requires a functional logistic arrangement to transport election materials and ensure the effective management of elections in such vast areas. INEC had to deploy 700,000 temporary staff across the country in order to meet up with the complexity of the exercise at hand.

On the day of the election, most of the polling units were opened on time and accreditation started immediately at 8.00 am or thereabouts. However, there were few cases of late commencement in areas where election materials did not arrive on time. These were exceptional cases that did not affect the conduct of the exercise in most of the wards affected. However, the most seriously affected polling areas were the seven (7) Federal Constituencies where the election of the House of Representatives was postponed due to the shortage and non-delivery of ballot papers from the national headquarters of INEC. The seven constituencies that were pending had their election on March 11, 2015 alongside the gubernatorial and House of Assembly elections.

Though few cases associated with card readers were reported, most of these cases arose due to poorly trained INEC ad-hoc staff. In some places, the ad-hoc staff that were trained to operate the machines were simply replaced some hours before the election. In some areas, some of the operators of the card readers, largely due to poor training, mistakenly touched the 'close bill' button of the card reader, thereby making the machines malfunction. Although most of the problems identified with the use of the card reader were attended to and resolved by INEC technicians deployed for those purposes, at the high point of the exercise in Bayelsa, Enugu and Rivers States such machines were not fully utilised in the accreditation of voters at the polling units. Ideally, where the card readers failed to capture the

fingerprints of some voters, a form was supposed to be filled in, as was the case in most polling units throughout the federation and, thereafter, such voters were cleared to cast their votes.

Generally, the electorate participated actively in the political process more than any other time in the past, except in the North-east where insurgency continued up to the period of the election. However, it should be stressed that the Nigerian electoral environment has always been complex and is traditionally volatile. Despite the apparent euphoria by Nigerians that at last the election was to be conducted, there was also underlying hysteria that if it was not fairly handled by politicians or INEC the exercise would breed political uncertainty that could mar the dream of voters for political change. Side-by-side with this uncertainty, there was an element of optimism in the minds of voters over the possibility of having a peaceful election. This was further reinforced by two obvious underlying realities.

First, unlike in the previous elections where one could see politicians and party supporters around the polling units luring the electorate to vote in their favour or parties, the March 28 election was devoid of such moves. Second, and also most importantly, the atmosphere at different polling units was calm. Hitherto, the alleged partisan role of the military in the electoral process did not only raise a serious question mark on the credibility of the institution but also generated a lot of debate following the June 21, 2014 Ekiti State's gubernatorial election during which soldiers deployed for election duties were alleged to have tempered with the process. However, in deciding the Ekiti election petition, the Court of Appeal made it illegal for the Nigerian state to deploy soldiers to keep peace during elections. This singular action has also raised the confidence of voters that the 2015 election would not be a business-as-usual exercise. With one or two policemen at each polling station, voters found the atmosphere hospitable for the free conduct of elections.

Though security personnel were insufficient or absent in a number of places, voters were very orderly and peaceful in most of the

polling units. The conduct of the Police Force and other security personnel in providing security for the electorate, INEC staff and electoral materials was unprecedented. In the past electoral experiences, the police were found complicit in election law violations, either by serving the interests of the ruling party or deliberately ignoring their mission of protecting the electorate, INEC staff, journalists and local election monitors. Though the police proved incapable of containing the political violence in Rivers State, there was a relative improvement in their performance during the 2015 elections.

Unlike the gubernatorial and the state assembly elections, the presidential election experienced a large turnout of voters throughout the country except in areas were elections were marred by conflict, as in the case of Rivers State. In Jigawa State, for example, it was anticipated that out of 1,831,276 registered voters in the State, at least 2/3 would turn out. As was expected, the actual turn out of voters during the actual election was phenomenal. The actual total votes cast in the state stood at 1,071889, while the total valid, votes cast were 1,037564. The situation was almost the same in other states were elections were conducted peacefully. There seemed to have been a consensus among voters that any disruption of the electoral conduct would likely jeopardise their long awaited desire for a free and fair election. Hence, the calmness with which they conducted themselves was unprecedented.

It is ironical to note that the incessant cases of pre-election violence and the minimal incidence of post-election violence are indications that the electorate had lost confidence in the outcome of the election in most of the states in the federation. Before the election, the Chairman of the National Human Rights Commission, Professor Odinkalu, observed that 61 incidences of election violence occurred in 22 states with 58 people killed, while electoral crimes became more visible in 3 states – Lagos (11 incidences and 22 persons killed); Kaduna (3 incidences and 9 persons killed); and Rivers (1 incidence and at least 9 people killed) (*Premium Times*, February 12, 2015).

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During the conduct of the election and its aftermath, there were few cases of election violence at the polling units except in Abia, Akwa Ibom, Benue, Ekiti, Edo, Kogi, Nassarawa and Rivers states where violence, intimidation, harassment of voters and disruption of election were recorded. Though there were reports of killings in Ebonyi, Delta, Oyo and Rivers States (YIAGA Report, 2015) and even the opposition party claimed that in Rivers State alone 55 of its members were lost to political violence (*International Business Times*, April 07, 2015). It can be said that such a high number of death was not observed in many states of the federation. In fact, during the gubernatorial and National Assembly elections held on April 11, 2015, it was reported that 16 persons (5 in Benue; 4 in Kebbi; 2 each in Rivers and Lagos, and 1 each in Rivers and Lagos; and 1 each in Plateau, Bauchi and Ebonyi States) were killed (*Vanguard,* April 12, 2015).

The traditional forms of political party competition in Nigeria, which has been characterised by ethno-religious, regional and class character as well as non-issue-based party campaigns, had resonated in the build-up to the election (Mohammed, 2015b). However, these platforms for party campaigns were less frightening because of the strong foundation of the support base of the two powerfully competing parties across the country. This also led to voting along party lines rather than essentially based on the regional or religious affiliation of candidates, as was the situation in 2011. Moreover, the opposition party was able to roll out a systematic campaign strategy, which helped greatly in dousing and counteracting allegations of primordial sentiments in its activities, structural configuration of membership in party hierarchy and candidates.

Earlier, the ruling party called the APC a party with *Janjaweed* ideology that promoted terrorism, while the latter alleged that the PDP was behind the *Boko Haram* insurgency in the Northeast of Nigeria. Indeed, the uncomplimentary utterances of the members of the two political parties reached a crescendo when the US, the EU and the ECOWAS condemned Governor Ibrahim Shema's of Katsina State following his remarks that opposition politicians like "cockroaches" should be "crushed".

Later, the APC Presidential Campaign Council (APCPCO) reported the First lady, Mrs. Patience Jonathan, to the International Criminal Court (ICC) for mobilising a hate campaign against Muhammadu Buhari. At the PDP campaign rally in Calabar, the wife of the President was allegedly quoted urging her husband's party supporters to "stone" anyone who chanted the 'APC Change' slogan (*Vanguard*, March 09, 2015). Thus, barely a month to the election, it was evident that the "do-or-die" character of party politics in the country was heading towards a dangerous dimension. It was in response to this ugly scenario created in the campaign activities of the political parties that stakeholders on the country's democratisation called for a peace accord. The Abuja "Peace Accord" was signed in January and re-affirmed in March 26 by the main presidential candidates who committed their political parties to peaceful electioneering campaigns, peaceful polls and the effective management of the outcome of the 2015 elections to ensure that there was no outbreak of violence.

Apparently, both political parties were very hopeful of victory as could be seen from their vigorous campaigns prior to the election. On one hand, the APC was determined to win the election in all the offices contested. In most states in the North-west, North-central, North-east and the South-west, the party's campaign slogan was all about 'change'. Thus, with the Buhari factor in Northern politics in general and the desire for change among Nigerians, Nigeria passed through the most competitive political campaign ever. The ruling PDP, on the other hand, relied on the incumbency factor at the national level and in states that the party was in control as the main basis of their claim for victory.

The acceptance of the election results by the political parties that competed for power is an indication that the exercise was relatively free, fair and credible. Despite the success of the election, imbibing democratic political culture and the understanding of the electoral process by political parties and citizens would take more time to mature. For example, the immaturity of politicians was demonstrated by the form of political intolerance demonstrated during the vote count by the former Minister of the Niger Delta, Mr.

Orurube, who publicly denounced the process and castigated the INEC leadership for alleged partisanship. This action would have jeopardised the exercise and marred the dream of Nigerians for a peaceful change of government.

Table 5: The 2015 General Election Results

S/N	STATE	APC	PDP	WNNER
1	Ekiti	120,331	176,466	PDP
2	Ogun	308,290	207,950	APC
3	Enugu	14,157	553,003	PDP
4	Kogi	264,851	149,987	APC
5	Osun	383,603	249,929	APC
6	Ondo	299,889	251,368	APC
7	FCT	146,399	157,195	PDP
8	Oyo	528,620	303,376	APC
9	Nassarawa	236,838	273,460	PDP
10	Kano	1,903,999	215,779	APC
11	Jigawa	885,988	142,904	APC
12	Katsina	1,345,441	98,937	APC
13	Kwara	302,146	132,602	APC
14	Kaduna	1,127,760	484,085	APC
15	Anambra	17,926	660,762	PDP

16	Abia	13,394	368,303	PDP
17	Akwa Ibom	58,411	953,304	PDP
18	Benue	373,961	303,737	APC
19	Borno	473,543	25,640	APC
20	Cross River	28,368	414,863	PDP
21	Delta	48,910	1,211,405	PDP
22	Edo	208,469	286,869	PDP
23	Imo	133,253	559,185	PDP
24	Kebbi	567,883	100,972	APC
25	Lagos	792,460	632,327	APC
26	Niger	657,678	149,222	APC
27	Yobe	446,265	25,526	APC
28	Plateau	429,140	549,615	PDP
29	Bauchi	931,598	86,085	APC
30	Gombe	361,245	96,873	APC
31	Ebonyi	19,518	323,653	PDP
32	Sokoto	671,926	152,199	APC
33	Zamfara	612,202	144,833	APC
34	Rivers	69,238	1,487,075	PDP
35	Bayelsa	5,194	361,209	PDP

36	Adamawa	374,701	251,664	APC
37	Taraba	261,326	310,800	PDP
	TOTAL	**15,424,921**	**12,853,162**	
		APC	**PDP**	

Source: INEC, 2015 Election Results

The mass media played both negative and positive roles in the 2015 elections. Through aiding and abetting politicians in carrying out divisive and damaging campaigns through jingles, documentaries and advertorials, both the print and the electronic media did substantially fan the embers of Nigeria's melting pot of political innuendos, which took away the attention of people from the real issue-based campaigns to personality attack. The use of NTA and some private television stations like the Lagos-based African Independent Television (AIT) in smearing the personality of the APC presidential candidate is a case in point of media unprofessional conduct.

Worse still, media regulatory agencies appeared incapable of challenging or sanctioning the perpetrators of such kind of undesirable political game. This was "either because the journalists were lazy and did not interrogate the issues adequately or indeed that the media house is influenced by proprietorial, or political interest to distort the news" (Jega, 2015c: 71). However, the posture of the media during the 2015 election did not mean that the institution did not contribute to the democratisation process and the success of the election. Through public sensitisation programmes, commentaries and news reports and analyses, the media had done a great deal of work to sensitise the general public about the electoral process.

The election also saw a massive utilisation of social media in the tracking of election results and their dissemination. In most cases, social media provides unsubstantiated and overly fabricated news.

Even at the time when the results of the election were being collated in drops, social media spred the news of unofficial results in different wards and polling centres across the country. The market place of information provided by the outfit could be regarded as a mechanism of tracking election results at the source. Resorting to the avenue of the social media by many Nigerians also served to showcase how they were deeply concerned about the electoral process and its outcome.

International agencies such as the European Union (EU), the National Democratic Institute (NDI), the International Foundation for Electoral Systems (IFES), the African Union (AU) the United Nations Development Programme (UNDP) and the United States Agency for International Development (USAID) as well as international observers contributed immensely to the peaceful conduct of the election. These agencies and institutions were able to show special concern for a peaceful election in Nigeria and their modes of intervention were quite numerous.

Suffice it to say that the financial support and technical assistance provided by the UNDP in the training of INEC staff, organising workshops, conferences and roundtables went a long way in overcoming some logistic challenges the commission had faced during the 2011 elections. Similarly, it was the IFES that supported INEC to establish a graphic design centre, which gave the Commission the capacity to produce election materials internally. The AU supported INEC with the Election Risk Management (ERM) tool which the Commission used to assess the risk factors associated with the election (Jega, 2015c). In addition, the role of Civil Society Organisations (CSOs) is vital. Organised under the platform of the Transition Monitoring Group (TMG) since the return to civil rule in 1999, CSOs played a frontline role in monitoring the 2015 elections. In particular, the "Quick Count" project implemented by the TMG proved to be a major approach ever utilised by any organisation in tracking results. This contributed immensely in reducing election malpractice.

Nigeria's 2015 General Elections: Lessons for Sustainable Democracy

The 2015 general elections represent the best the country has had so far in terms of organisation and conduct. The elections showed the readiness of Nigerians across the country to uphold a democratic option as an effective and enduring approach to addressing leadership change. The lapses observed during the elections are exceptional cases that did not affect the conduct of the exercise and the legitimacy of its outcome. Indeed, most of the lapses that were noticed were mainly as a result of the resistance of political parties and their supporters to change. The success of the elections shows that election administration requires early preparation. INEC's experience from the 2011 general elections had informed the Commission of the need for early preparation and the introduction of systematic reforms, which yielded much success. Although the reforms initiated by Professor Jega's-led INEC are ongoing, with the proposed creation of additional polling units generating fierce debate, it is pertinent to implement these reforms by sensitising Nigerians on the wisdom behind the exercise. This is necessary because the polling structure, which comprised 120,000 polling units and 8,809 wards or Registration Areas (RAs), was created in 1996 by the defunct National Electoral Commission of Nigeria (NECON). Therefore, expansion in the size of the population of these RAs requires that a demographic shift is needed to meet the actual demand of the the polling units. This will further provide an enabling condition for free, fair and credible elections in the country's future democratic transition.

There are many factors to the success of the elections prominent of which are excellent stewardship and the relative independence of the EMB and the strong synergy it established with the stakeholders. INEC's collaboration and partnerships with a range of critical stakeholders, including civil society organisations, through the Inter-agency Consultative Committee on Election Security (ICCES) as well as the introduction of continuous voter registration, among others, greatly shaped the transition process. In particular, with sixteen participating security and quasi-security agencies, comprising the Office of the National Security Adviser, the Police

Service Commission, the Nigerian Air Force, the Nigerian Army, the National Intelligence Agency, the Nigerian Immigration Service, the Federal Road Safety Corps, the Nigerian Prisons Service, the National Youth Service Corps, the Nigerian Police, among others, the ICCES was able to provide information about security matters for INEC to address certain election security concerns.

The acceptance of the election results by the political parties that competed for power is an indication that the exercise was relatively free, fair and credible. One of the new innovations that helped greatly in the conduct of the 2015 General Election is the use of the Permanent Voter Card (PVC) and the Card Reader (CR). It was in the quest for meeting the requirements of voter accreditation that INEC, pursuant to the powers granted to the Commission by the 1999 Constitution (as Amended), introduced the card reader. The innovation rendered most of the antics of politicians null and void - multiple registration of voters, manipulation of results and unmitigated connivance with electoral officials to rig elections. The customisation of result sheets to polling units which INEC started experimenting during the Edo State governorship election in 2012 prevented politicians from getting result sheets and moving them around to perpetuate electoral misconduct. In all, it can be said that the electoral reforms introduced by INEC in the 2015 elections had substantially reduced electoral rigging and also ensured that the mandate of the electorate determined the outcome of the election. In short, voters' trust in the Election Management Body was deeply enhanced in Nigeria. This is one area that Nigeria's democracy and indeed other developing democracies could learn from the experience of the 2015 elections.

The method of conducting elections in a staggered period with presidential and National Assembly elections coming first is an innovation which has dual benefits. First, the method neutralised the hangover effect of presidential elections in determining the outcome of the gubernatorial election. Second, it also gauged the nature and dimension of political violence, if not completely overcoming it, in the next election. Thus, by determining who the president was and who the elected National Assembly members were from the March

28 election, the subsequent gubernatorial and House of Assembly elections conducted in April were basically seen as state matters and their dimension of political violence, especially in Rivers and Imo States, could be regarded as internally induced by the nature of power relations in the states rather than arising from the larger national politics in the country. Thus, until Nigeria develops the basic requisites of conducting elections in one day, as is the case in developed democracies, one of the easiest approaches to the country's complex election geography is to maintain the method of staggered elections with national elections conducted first followed by state elections.

Therefore, African states have a lot to learn from Nigeria's 2015 election not only because of its relatively peaceful outcome but due to the way in which it was staggered and addressed some logistical challenges. The fact that the election heralded for the first time the opposition party unseating the ruling party and the presidential candidate of the latter accepting defeat is another reason why the country's experience will for some time serve as a model for sit-tight African leaders, who cling to power and form a political dynasty for themselves and their kinsmen. Indeed, with the 2015 General Elections, Nigeria crossed one of the two daunting challenges before African citizens identified by Richard Joseph (2008:104), that is, "securing the right to elect those who will govern them in fair and honest elections…". This process will surely ensure political legitimacy in the new government that emerged after the election.

For many years since 1999, successive governments had suffered the crisis of legitimacy largely because of the allegation of flagrant electoral misconduct that trailed their electoral victories. Contextually, one concurs with Carbone's (2009) conception, which suggests that democracy in developing societies is likely to survive and consolidate over time when the system undergoes a process of gradual legitimisation. This process, which involves normative and performance legitimisation, ensures the upholding of values and beliefs that assist democracy to thrive and "people come to accept democracy because it helps to attain a valued goals such as material

well-being or social peace" (Carbone, 2009:135). The case of citizens' instrumental action that ensured the peaceful conduct of the 2015 elections suggests that normatively Nigerians accept democracy. Conversely, it was based on the poor performance of those who steered the leadership of the country since the return to civilian rule that the Nigerian voters decided to change the ruling party in anticipation of changing their material well-being. It is in this value preference that one can locate the reason behind voters' collective solidarity, patience and support to make the election a hitch-free exercise.

The results of the elections across the country show that Nigeria needs less than the number of the present registered political parties. In 2011, there were 63 but in the 2015 elections there were 25 out of which only the PDP and the APC performed well while the remaining parties did not succeed in forming a government even in their respective areas of origination. At another level, many of the political parties that contested for the election lacked visibility in areas outside their original formation. They also lacked the capacity to deploy agents to follow the proceedings at the polling units and collation centres.

Despite the success of the elections, imbibing democratic political culture and the understanding of the electoral process by political parties and citizens in Nigeria are still a long way to go. This is not surprising because the peaceful change of government does not always mean that Nigerian politicians and the electorate have imbibed democratic values. If anything, the experience of the 2015 elections in Nigeria amply demonstrated that a successful election is neither the end of the transition process nor the final stage of consolidating democracy. Indeed, as Schmitter and O' Donnel argue, "a transition is over when 'abnormality' is no longer the central feature of political life, that is when actors have settled on and obey a more or less explicit means they can legitimately employ in their conflicts with each other, the procedures they should apply in taking decisions, and the criteria they may use to exclude others from the game" (quoted in Persching, 2004:3). What really happened in Rivers, Imo and Bayelsa States, the hate campaign displayed by

politicians in the build-up to the 2015 election and later Mr. Orubebe's embarrassing display of immaturity during the vote count at the International Conference Centre, Abuja, as well as the harassment of opposition party supporters are a few cases of "abnormality" in the Nigeria's democratisation process, witnessed in 2015.

Conclusion

The 2015 general elections in Nigeria is one of the indications that a 'sleeping giant' will sooner or later re-awaken from its long slumber in meeting high expectation in her democratic transition. The success of democracy in Nigeria is a triumph against Africa's civilian tyranny and a prospect of building a foundation of sustainable democracy in the continent. Although there are numerous challenges in the election, such as multiple registration, under-age voting, non-issue-based campaigns, the flagrant use of money by the major political parties that contested in the election and lack of the expanded participation of social groups like women, the youth and the physically challenged, the election is a benchmark of success in the history of electoral democracy in the country. The new innovations and reforms introduced by the electoral umpire, the support received by the local and international stakeholders and the unprecedented political tolerance displayed by the electorate and, to some extent, the politicians in accepting the electoral verdicts in the federal and state elections, are the major contributory factors for the success of the exercise.

Despite some obvious odds identified with the election, it is not an understatement to argue that Nigeria's democracy is in its path to consolidation. However, the development of political culture is yet to engender the final destination of democratisation in the country. The road to democratic consolidation is still bumpy but in sight since the election has engendered a new dawn in Nigerian politics in which peoples' votes count in laying the foundation of political legitimacy. It can be hypothesised that the more such legitimacy is cemented through policies that improve the well-being of citizens the greater the possibility of democratic sustainability and deepening.

CHAPTER FIFTEEN

Inconclusive Elections and the Electoral Process in Nigeria's Post - 2015 General Elections[1]

Introduction

The centrality of election in representative democracy is crucial. Election serves democracy as a political system because its effective conduct provides political legitimacy, accountability and good governance. One of the striking features of sophistication in the practice of democracy is the ability of democratic institutions to engender free, fair and credible elections, in which the embodiment of rule of law, social justice and accountability is deeply entrenched and guided by the process and conduct of the exercise. Therefore, the outcome of any meaningful election is justifiably, depending on the context of the enabling laws of societies, to declare the winner of the exercise and possibly encourage the consensus and accommodation of divergent political interests for the effective dispensation of policy making and good governance. However, when the conduct of election does not finally produce a winner, the election is said to be inconclusive. This type of election is one out of numerous dimensions of badly-conducted elections and must be carefully addressed. Unless adequate preparations and care are taken, "badly-conducted elections can totally undermine democratisation and replace it with authoritarian rule, of the civilian or military varieties" (Jega, 2015a: 6).

The spate of inconclusive elections since the aftermath of the 2015 general elections in Nigeria has been cited as one of the dangers ahead of the current and future electoral process in Nigeria. Indeed, among the "new" obvious challenges to successful election in the

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country's transition to democracy, the frequent declaration of regular, bye and re-run elections inconclusive by the Independent National Electoral Commission (INEC) attracted the attention of stakeholders within and outside the country. It needs to be stressed from the outset that inconclusive elections are neither peculiar to Nigeria's electoral process, nor a new experience in the country's political history. Though they happen in both developed and developing democracies around the world, in Nigeria questions arise about the incompatibility of the electoral process with the changing patterns and realities of the country's politics and the human agency that shapes it, at least since the return to civilian rule in 1999.

 The avalanche of inconclusive elections that greeted the aftermath of the 2015 polls generated a lot of concern about Nigeria's electoral process and the future of the country's democratisation process. The number of inconclusive elections in recent times is unrivalled in the history of electoral management in the country and opened up a new vista in the county's political development. It was reported that, as at January 2016, INEC was faced with about 82 re-run elections for Senatorial, Federal House of Representatives and House of Assembly seats across the country (EMAOG, 2016). The incidence of inconclusive election is becoming very alarming across the country and has been a nauseating issue in the minds of Nigerians, election managers, civil society organisations and international stakeholders. To cap it all, opinionated commentators in the mass media euphemistically branded the INEC as "Inconclusive" National Electoral Commission. Undoubtedly, it is not the number of inconclusive elections *per se* that matters most in Nigeria, but the circumstances that lead to it, which are the result of electoral irregularities, violence, court orders and other related electoral infractions. After all, as a replica of this phenomena, following the February 2006 general election in Iran, the nation recorded a total of 136 candidates contesting for parliamentary re-run elections for 68 seats in the country's 290-seat parliament. In the first general election, none of the candidates achieved a clear majority and run-offs election slated on April 29, 2016 completed the race (*US news,* April, 2016).

By all accounts, the declaration of elections as inconclusive raises more questions than answers, particularly at the time when the expectations of Nigerians about democratic consolidation, following the successful conduct of the 2015 general elections, were very high. This is even higher as the new leadership of the Independent National Electoral Commission (INEC) was envisaged to build on the Commission's reclaimed credibility, which it had lost over the years for its apparent institutional weaknesses and lack of autonomy and engender further electoral reforms that would make future elections free, fair and credible.

It is against the backdrop of the occurrences of inconclusive elections and their threat to the process of ensuring credible elections in Nigeria that this chapter sets out to examine issues germane to the understanding of such phenomenon in the country. Therefore, the chapter is divided into six sections. The first section is the introduction, while Section Two examines the conceptual and legal bases that inform the declaration of inconclusive elections. Section Three examines the nature, context and dynamics of inconclusive elections in Nigeria's electoral process, while Section Four highlights the dilemma of inconclusive elections and their impact on the country's electoral and democratisation processes. Section Five offers recommendations on measures to address the challenges posed by inconclusive elections. Finally, Section Six concludes the chapter by arguing that the recent spate of inconclusive elections experienced in Nigeria is a clear manifestation of the weak institutional base of political institutions, political behavioural patterns and the crisis of personalised and patrimonial politics inherent in the country's political system.

Inconclusive Elections – Conceptual and Legal Premises
The goal of any election is to provide the electorate with the opportunity of selecting their representatives in a peaceful electoral process. This process not only defines the method and provides enabling laws for holding an election, but also explains the duties and obligations of all partakers and stakeholders in order to conduct free, fair and credible elections. The electoral process is divided into three phases: pre-election, election and post-election and each phase

is further subdivided into sections, notably election legislation, delimitation of constituencies, registration of voters, campaign period, voting, counting of the votes, announcement of the votes, announcement of results and election review, among others (David et al. 2014; Agbaje and Adejumobi, 2006). The conduct of election is the second stage of the electoral process and its cycle is concluded when a winner is declared after the election or decided in court. Election is said to be inconclusive when its outcome does not declare a winner. It is an unfinished, undecided and not finalised election whose outcome is to be determined after a re-run election is held. It is an election on hold, essentially over irregularities.

In developed democracies, when an election is declared inconclusive the pronouncement is rarely greeted by political violence but essentially the outcome of a tally between two or more contestants or some breaches of the enabling laws of the conduct of the exercise. In most cases, state-based, regional or provincial elections of Governors, members of parliament, congress, or municipalities hardly lead to declaring an election inconclusive. This is essentially because the stakes of local politics are regulated within the prism of the rule of law and the framework of strong institutions and robust civil society. In most cases, the declaration of inconclusive elections happens at the national level of politics in the election of the heads of government, prime ministers or presidents. Essentially, these actions are as a result of the failure of technology, as it was experienced in the 2004 American Presidential election in Florida (Tatanoor, 2005) and in Austria on the ground of "widespread rule breaking" in May 2016. In developing democracies, one can cite Haiti and Zanzibar's presidential elections re-run of October 2015 as some of the recent experiences of inconclusive elections that were determined through re-run elections as a result of electoral fraud and vote cast tally, respectively.

Two types of voting in re-run or run-off elections are prominent in the modern electoral system – *Majority run-off election* and *Instant-run-off voting*, also known as ranked-choice voting. Whereas the former is commonly found in various liberal democratic societies around the world, including those of Eastern Europe, Africa, Asia

and Latin American states, the latter is mainly used in developed industrialised democracies with a relatively small number of voters and a manageable number of registered political parties. In the majority re-run election, a presidential candidate must win 50 percent of the vote to avoid a re-run. For example, the Constitution of Zambia adopted this system of election. Under a majority re-run "a candidate wins outright in the first-round if [he or she] obtains an absolute majority of votes" (Gratton and Bouton, 2015). In a situation where no candidate wins in the first round, as was the experience of Zambia's 2016 tight race between President Edgar Lungu of the PF party and the opposition UPND led by Hakainde Hichilema, a re-run election had to be conducted. This same system is used in Austria and Italy and in elections into mayoral offices in some states in the USA, among others.

Though the majority re-run elections give the electorate the opportunity to decide a winner in the second round and provide him with more democratic legitimacy, it may create a *push over* condition. This condition happens when the winner of the re-run is not necessarily the preferred candidate by the majority and therefore lacks democratic legitimacy. This was the scenario in Peru's presidential election in 2016, when Lourdes Flores Nano of Unidada National did not make it to the second round, despite her popularity, which was attested to by the opinion polls conducted before the first-round election (Gratto and Bouton, 2015:284). This system of a re-run election allows a majority group of strategic voters to influence the outcome of election to its advantage. Though this *push over* effect of majority run-off election has not been documented, its occurrence cannot be ruled out completely.

In the case of instant-run-off voting or ranked-choice voting, the electoral system builds the re-run election process right into the general election, eliminating the need for a second trip to the polls (Holey well, 2015). Thus, instead of electing one candidate on the basis of the total votes cast, as is the case with Nigeria's *first-past-the-post system*, voters rank their choice of candidates. Where nobody receives more than 50 percent of the votes, a re-run becomes necessary. Any candidate that receives the least number of votes

from the ranking is eliminated from the contest. This process continues until somebody wins the required majority votes.

The lesson to learn from the experience of elections in other countries is that re-run elections are neither informed by electoral violence nor are they always the results of a legal debacle. Theirs are primarily built in their system of voting and electoral process. To make this point clear, it is imperative to note that in Nigeria the percentage of registered voters is used to calculate the expected turn out in an election. This is a serious grey area in the country's electoral law and system. The situation raises a lot of concern over the legitimacy of the outcome of the various re-run elections held in the country. The use of registered voters may not provide the much-needed percentage of the participation of the majority in a re-run election. Similarly, at another level election petitions that lead to the annulment of election and its declaration as inconclusive are also the recurrent decimal in Nigeria's growing cases of re-run elections. The Electoral Act (2010 as amended) states thus: "Where an election is nullified in accordance with sub-section (2) of this section, there shall be no return for the election until another poll has taken place in the affected area" (Section 53 (3) of the Electoral Act, 2010 as amended). This implies that an inconclusive election arises when the first ballot election is not finalised and a supplementary or a re-run election is conducted to conclude the election and end its process with the declaration of a winner.

Therefore, an inconclusive election occurs when the electoral body– using the powers conferred on it by the Constitution, the Electoral Act and other related enabling laws - decides to cancel a first ballot or even an election and fix a new date to conclude the poll in which a winner will be decided. In Nigeria, the provision of Section 53 of the Electoral Act 2010 (as amended) clearly makes a provision for the cancellation of Polling Units (PUs) for overvoting and calls for the declaration of inconclusive election. Section 53 (2) aptly provides that:

> Where the votes cast at an election in any polling unit exceed the number of registered voters in that polling unit, the result of

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> the election for that polling unit shall be declared void by the Commission and another election may be conducted at a date to be fixed by the Commission where the result at that polling unit may affect the overall result in the Constituency.

Declaring an election inconclusive is also informed by other factors, such as electoral violence, snatching electoral materials and the non-usage of the Smart Card Reader (SCR) in the conduct of elections. In particular, the breach of peace, as a result of electoral violence, natural disasters or emergencies, is provided in Section 26 (1) of the Act as follows:

> Where a date has been appointed for the holding of an election, and there is reason to believe that a serious breach of the peace is likely to occur if the election proceeded with on that date or it is impossible to conduct the elections as a result of natural disasters or other emergencies, the Commission may postpone the election and shall in respect of the area, or areas concerned, appoint another date for the holding of the postponed election, provided that such reason for the postponement is cogent and verifiable.

These actions constitute some of the glaring incidents that can be considered electoral misconduct and inevitably the major infringements of the basic expectations of the electoral process. In addition, there is also the legal context that could lead to declaring an election inconclusive, that is, upturning an election by a tribunal or a court. Section 140 (1) in particular provides that: "Subject to sub-section (2) of this section, if the Tribunal or the Court, as the case may be, determines that a candidate who was returned as elected was not validly elected on any ground, the tribunal or the court shall nullify the election." In the case of the disqualification of a candidate, Section 140 (2) of the Electoral Act further provides that:

> Where an election tribunal or court nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, the election tribunal or court shall not declare the person with the second highest votes as elected but shall order a fresh election.

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This is a context outside the purview of the EMB. Yet, the body has to abide by the court's verdict and set aside a new date for a re-run election. It is intriguing to note that from January to June 2016, INEC had conducted 50 re-run elections in 16 states in compliance with court orders (Yakubu, in *Leadership*, Thursday, June 2, 2016: 12). In some cases, the court could upturn the election of a candidate declared the winner without necessarily calling for a re-run election. In which case, it normally orders INEC to withdraw a certificate of return to that candidate (now adjudged not to have been validly elected). In this case, the court directs the electoral body to declare and issue a certificate of return to the candidate favoured by its judgement. Section 140 (3) clearly states thus:

> If the Tribunal or the Court determines that a candidate who was returned as elected was not validly elected on the ground that he did not score the majority of valid votes cast at the election, the Election Tribunal or the Court, as the case may be, shall declare as elected the candidate who scored the highest number of valid votes cast at the election and satisfied the requirements of the Constitution and this Act.

Arguably, it can be said that two types of inconclusive elections prominently exist in Nigeria today and both are rooted in the conduct of election. First, *there is INEC declared inconclusive election* mainly because the conduct-of-first-ballot election and is normally informed by electoral violence, the use of thugs to scare away voters, carting away election materials or arising from electoral misconduct such as the non-use of SCR in some PUs or simply that an election not being held in certain their places. The declaration of an election inconclusive arising from this type is made by INEC. Second, there is a *tribunal* or *court-declared inconclusive election*, which happens when a tribunal or a court gives judgment and declares an election inconclusive. In this case, INEC is expected to obey a court order and fix a date for a re-run election.

It is also important to understand some of the terms used in the electoral process, such as bye-election, re-run and supplementary elections, in order to appreciate their worthiness in the analysis of

inconclusive elections in Nigeria. Though they sound elementary and simplistic, the terminologies allow for differences in their usage for the proper understanding of the point at which an election is declared inconclusive. A bye-election is said to have taken place when an elected member at first ballot dies and the election is conducted to fill in the vacant position so created. Thus, bye-elections are used to fill in elected office that has become vacant either as a result of the demise of an elected member or upon his being appointed to a (ministerial) post, resignation or recall. Different phrases, which change according to relevant electoral laws, are used to refer to this type of election. In the USA, bye-elections are called 'Special elections'. In contrast, a re-run election takes place when an election (whether on first ballot or bye-election) is conducted, but such election is pronounced inconclusive. Also, a supplementary election takes place when some PUs have not conducted any election at all due to either the late arrival of election materials or other related logistics, leading to the conduct of election the next day or on a date considered appropriate by INEC.

Briefly, it can be said that INEC, election tribunal and conventional courts are legally bound to declare an election inconclusive provided that the conduct of the exercise is accompanied by any of the misconducts or infractions cited in the Electoral Act and the Constitution of the Federal Republic of Nigeria, 1999. Finally, it is important to note that INEC conducts re-run elections guided by the same legal framework and enabling laws that were used to regulate the conduct of the 2015 general elections. The only slight change in the exercise is that the accreditation of voters and voting are carried out simultaneously. The mode of the re-run election does not change. There is no prohibition of the use of technology and the use of SCR is one of the basic requirements of the credibility of the conduct of the election.

The Trend and the Dynamics of Inconclusive Elections in Nigeria's Electoral Process
In Nigeria, the declaration of an election as inconclusive did not start with INEC as an electoral umpire or the present administration that took over power after the 2015 general election or even the

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current leadership of the Election Management Body (EMB). In 1979, the Unity Party of Nigeria (UPN) filed a court case challenging the presidential election on the basis of inconclusiveness. The same can be said about the Rivers State governorship election after the return to democracy in 1999. Also, inconclusive elections occurred in the case of governorship elections in Ekiti, Imo, Anambra, Taraba, Imo, Kogi and Bayelsa states in 2009, 2011, 2014, and 2015, respectively. Others are the Anambra Central Senatorial election in 2011 and the Oguta Constituency of Imo State in 2013, among other prominent cases. However, the trend of inconclusive elections and the resultant supplementary elections in the aftermath of the 2015 general elections are unparalleled in the history of Nigeria's political experience. Of the over 80 re-run elections in various states, INEC provided a breakdown of the type of inconclusive elections before it from January to June, 2016 as follows: 49 re-run elections in 16 states out of the 80 elections nullified by court order; 10 bye-elections in 8 states across the country following the death or resignation of elected members of the National Assembly and State Assemblies; 3 end-of-tenure governorship elections in Kogi, Bayelsa and 68 Area Council elections for FCT Constituencies; and 23 upturned Constituency elections into the Senate, House of Representatives and State Assembly (Yakubu, 2016).

Different reasons have been advanced to explain the factors responsible for the high number of inconclusive elections in Nigeria. Briefly, the contending arguments advanced by political analysts and commentators for the high rate can be summarised into five arguments. First, is that desperate politicians are the causative agents of the trend, largely because of their inherent tendency to manipulate the outcome of elections in their favour. Their desperation to wrestle power by all means informed their relentless efforts in hatching electoral violence, which mars the peaceful conduct of elections in utter disregard of the enabling electoral laws.

Secondly, there is the argument which points accusing fingers at the Election Management Body (EMB). This perspective sees inconclusive elections as the outcome of what can be called the

weak organisational and administrative management of elections by the electoral body. The chief protagonists of this claim are politicians, who simply consider the performance of the EMB after the 2015 general elections as dismal and concluded that the body, in its present leadership, is beset with technical and administrative lapses in handling competitive elections in the country, which lead to its indecision, arbitrariness and the hasty declaration of elections inconclusive. The third point which is closely related to this viewpoint is the argument that the current rate of inconclusive elections is attributable to some inadequacies associated with the legal framework of the election, especially the Electoral Act 2010 (as amended). There is also the fourth standpoint, which says that, although frequent cases of inconclusive elections in Nigeria are not desirable in the electoral process, the development is a sign of progress and should be accepted as a positive outcome of an expanded political space, which has been reinforced by the increased political competition among political parties. This perspective is predicated on the belief that the defeat of the hitherto ruling party (the PDP) had narrowed the gap in political competition among political parties and increased opportunities for contestants to win an election.

In any case, this chapter concurs with the first and last perspectives, but with some input about the dynamics of politics since the last general election and within the context of the trajectories of political and economic relationships that shape politics in Nigeria. These trajectories had been magnified largely because of high political stakes, especially in states where the re-run elections had proved difficult and dangerous to conduct peacefully. These factors, which for a long time had been undergoing permutations, only germinated and eventually snowballed into a full-blown circle with the end of the monopolisation of the political space by a single political party. Thus, because political competition for the control of the central government by the political class and their parties was settled after the 2015 presidential elections, political contestation has now been relegated to states. The desperation to wrest power in the 'homelands' has reinforced the tendency of the political class to play politics with somewhat sink-or-swim vigour, thereby providing

room for the relegation of the rules of the political game to the background.

In this scenario, politicians inevitably direct their energies towards bastardising the enabling electoral laws to achieve their political objectives. Their actions lead to infringements of the laid down rules for the conduct of free, fair and credible elections; thereby resulting in the cancellations of election results and the declaration of same inconclusive. Indeed, where an electoral dispute is settled at the election tribunal with the court nullifying elections and ordering INEC to organise re-runs, such decisions often expose the idiosyncrasies of the judges involved and the level of the patrimonial relationship that exists between them and the political class, whether from the plaintiff or the complainant.

Re-run elections are special in nature and also unique in their dynamics. They are intricate and often pose serious challenges that surpass those of the regular elections. Besides, they are very difficult to manage and execute given the contestations they carry. In most cases, in "consolidation elections", which is defined as elections "organised by a civilian regime and are intended to consolidate civil rule" (Agbaje and Adejumobi, 2006: 37), re-run elections are the veritable platforms on which politicians dramatise their hegemony and claim or reclaim power and influence. This tendency is particularly pronounced in cases where there are serious political divides and a strong opposition to the ruling political party in the state.

The incessant political violence that characterises inconclusive elections during re-runs is highly informed by the inability of politicians to reach a compromise, embrace political accommodation and agree to subordinate themselves to the enabling electoral laws. Their political expediency is what normally determines the direction of political conduct to the extent that some elections have to go through two to three re-runs. The case of the Rivers re-run election is an obvious example of the politicisation of election and rising Nigeria's political temperature because competition for power was

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taken to mean a 'do-or-die' affair. Violence and politically motivated assassinations were the toll at the National, State Assemblies re-run elections to fill the state's 3 senatorial seats, 12 out of the 13 House of Representatives seats and 22 out of the 32 State House of Assembly seats on March 19, 2016. Despite the level playing ground that was given to all political parties to contest the elections by INEC, political anxiety, desperation and machination were used to amplify violence and the discredit the electoral process in the eyes of the local and the international community.

The two leading contending political parties in the state, the PDP and the APC, and their political gladiators engaged in a war of words and accused each other of the spate of political violence in the state. In particular, while the APC was accusing the PDP of Omoku killings, which it described as "genocide against APC members in Rivers", the PDP not only denied the allegation and reacted that the massacre was masterminded by cultists, but also went the extra mile to spread rumours barely 48 hours to the elections that a plan to arrest all PDP leaders in the state was in the offing (*Premium Times*, March 15, 2016). The extremity of the Rivers re-run political acrimony happened when Governor, Nyesome Wike, in an attempt to display lack of confidence in the federal government and at the same time portray INEC as not disposed to provide credible re-run elections, took Rivers politics to the international stage. The state government wrote a letter to about 50 world leaders requesting them "to urgently initiate and maintain pressure on the Federal Government of Nigeria to allow free, fair and violence-free elections in Rivers State on the 19th of March, 2016". INEC responded to the situation in Rivers State by reiterating its stand that there would be no more re-run elections in the state until peace was restored (*Vanguard*, March 22, 2015).

The simmering tension in Rivers State not only confirmed the Commission's understanding of the intricate power-play in the state, but also the challenges ahead in conducting a re-run election where the power struggle among the competing political elite was tense and by all means dangerous. Also, while the Rivers re-run election illustrates the pattern of Nigerian politics and its volatility when the

focal point of political stakes are narrowed to the state after the settlement of the quest for political supremacy at the national political leadership, the situation is not much different in other states. In some cases, the context and nature of political competition determine whether or not re-run elections would be peaceful or violence-free. Recent experiences with re-run elections show that the problem goes beyond neo-patrimonial relationships as it extends to prebendal politics.

Following the Appeal court's nullification of Senator David Mark's victory in the 2015 elections under the platform of the PDP, his campaign slogan "Operation Homeland Defence" was purportedly meant to drag politics to its idiosyncratic base and magnify the contest of power to assume the dimension of the interplay of national and local politics. Party candidates who hitherto boasted of victory at the polls because of the control of the machinery of power at the national level often express profound frustration over the non-existence of window opportunities for election rigging, especially when subjected to a strict compliance with the electoral laws. The reality of political competition within the refined convention of law leads to violence and the disruption of peace during the conduct of election. "Peace Accords" signed before the re-run election in FCT and Rivers notwithstanding, over-voting, violence and snatching electoral materials marred the exercise. As a result, the outcome of the elections was cancelled in the affected areas and INEC had to fix another date for a re-run.

One can attribute the high rate of inconclusive elections to two main variables: the institutional and systemic weaknesses of political parties, including the proclivities of key party players and their supporters, and the organisational challenges of INEC in managing critical election conducts, especially in the face of rising suspicion over the Commission's role in presiding and managing the affairs of the electoral process.

Institutionally, political parties are organisationally weak with all sorts of interests, ranging from those of "godfathers" and chief

executives, who often manipulate party decisions to suit their politically-entrenched interests (Jega, 2015b; Mohammed, 2015). The obvious outcome of politics of domination and the manipulation of party bureaucracy by a single political personality or group of party stalwarts is the incurable disease that affects the direction of party's support to a candidate in a re-run election. The high interest involved and the colossal amount of money usually spent to finance the campaign activities of a 'godson' without due regard to internal democracy makes a re-run election exercise a 'do-or-die' affair. Thus, a re-run election involving candidates with a strong backing from the chief executives of states or godfathers with a strong influence on political party activity creates an enabling environment for electoral misconduct and political violence.

In electoral politics where the political environment is hijacked by "forces of wealth and power for purposes that are entirely predatory and subversive of democracy" (Agbaje and Adejumobi, 2006:29), internal party camps produce collateral damage to the electoral process. In some cases, where there is a strong intra-party conflict between two factional groups, usually between former and incumbent state Governors who are politically at loggerheads, the sour relationship is usually taken to the election day, now considered as a battlefield to settle political feuds.

In fact, Onoja (2009) observes that the level of violence in an electoral contest is profoundly determined by the degree of interest in an election. That was the scenario in the Minjibir House of Assembly re-run election in Kano held on April 30 and July 30, 2016. The internal party squabbles within the APC between the faction of the former Governor of the State, Senator Rabiu Musa Kwankwaso, whose supporters outrightly committed anti-party activity and resolved to vote massively for the PDP candidate in the election had further created an enabling environment for tension in the state. The supporters of Governor Dr. Abdullahi Umar Ganduje, who were all out to vote for the APC candidate, made Minjibir Local Government Area an inevitable theatre of war and a battlefield for the consolidation of party control at the state level.

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During the first re-run election, the exercise was believed to have started peacefully but halfway through it turned violent (Report on Minjibir Re-run, INEC Electoral Operations Department, April 30, 2016). Political thugs brandished different types of weapons and freely harassed and intimidated security agencies. Finally, INEC had to declare the election inconclusive. What really saved Minjibir from the bloodbath similar to that experienced in the Rivers re-run elections was the early morning withdrawal of Alhaji Auwalu Ubale of the PDP from the race on the day fixed for the second re-run election against the backdrop of what he called the poor security situation on the eve and the day of the poll. This singular action dissipated the energies of the PDP supporters who decided not to partake in the exercise at all, expressing dissatisfaction with the action of their candidate.

INEC's reaction to Ubale's withdrawal was in line with the provision of Section 35 of the Electoral Act, which says that withdrawing a candidature is by notice in writing signed and delivered by the candidate himself " to the political party that nominated him for the election and the political party shall convey such withdrawal to the commission not later than 45 days to the election". In any case, the election proceeded and ended peacefully with Malam Muhammad Tasiu of the APC scoring 21, 970 votes and the PDP candidate a total of 1, 238 votes.

The Minjibir re-run election is one of the many cases of the weak institutional base of political parties in Nigeria, which has also been reinforced by lack of strong party discipline and ideology, a situation which snowballed into electoral contest and eventually smeared the foundation of free, fair and credible elections in the country. It also showcases the failure of the Nigerian state to provide tight security during the conduct of elections in hotspot areas. The security lapses in Minjibir started when the security personnel were unable to restrict the movements of hoodlums and political thugs, who eventually penetrated the various polling units and caused untold mayhem (INEC Electoral Operations Department, April 30, 2016). They overpowered the unarmed policemen deployed to

provide security for the election many of whom ran away for their lives.

Furthermore, the circumstances that led to cancellation of results included: attitudinal issues which can be pigeonholed under a sub-culture in the political culture of overzealous and ambitious electorate, who always suspect that their votes could not necessarily count, given the complexity of the challenges encountered in the management of elections. This suspicion is even more pronounced in a situation whereby election officers were not well trained to manage and perfect the use of the Smart Card Reader and were eventually intimidated to use manual accreditation for voting. Unaware of the fact that the non-usage of SCRs could lead to the cancellation of the affected PUs, voters whose fingerprints were rejected, notwithstanding the provision of incidence forms to address the challenge, often reacted violently and forced electoral officers to allow them to vote, like the cases of the FCT Area Council election and the Nasarawa/Toto Federal Constituency re-run election. Table I provides an example of how violence led to a re-run elections in Kogi State.

Table 6: Local Government Areas Where Violence Caused Election Cancellation in Kogi State Governorship Election Held on November 21, 2015.

LGA	PUs Areas Affected
Ajaokuta	2 PUs Ebia South (406 registered voters), Itua Opaja (572 registered voters) and Adogun Ogodo (No election conducted at all) 248 registered voters.
Ankpa	6,021 registered voters could not vote due to cancellation in 9 PUs.
Dekina	17,454 voters could not vote due to cancellations (significant violence in Ayingba).
Idah	One PU (213 registered voters) was cancelled due to violence and the attack of Polling Officers by thugs.
Igalamela-Odolu	Open Space Okocheve Unit 004 – 781 voters (violence and INEC officials attacked and all materials carted away).

Ijumu	Cancellation in Ayetoro (1,705 registered voters affected).
Kabba-Bunu	3 affected PUs in three wards 10/01 (524 registered voters) affected (ballot box and other materials snatched and burnt). Adokpe Ward 14 Unit 5 (380 registered voters). (By 1pm, 54 voters were accredited. Party agents caused confusion and then ran away).
Kogi (KK)	One PU cancelled due to violence.
Okene	676 registered voters affected by cancellation of election of election because of violence and INEC materials, which were snatched.
Olamaboro	433 registered voters affected when party agents who started voting by force for voters in the queue overpowered a polling officer. Election in some other PUSs having 2,026 registered voters was also cancelled due to violence
Omala	6 PUs were cancelled. 2,526 registered voters were affected in cancelled PUs as a result of snatching of ballot papers, card readers and other election materials.

Source: The Election Monitor Accredited Election Observer-Group (EMAOG) Kogi State Governorship Election, Interim Report, November 27, 2016. P.7

The Dilemma of Inconclusive Elections – Promoting or Endangering Nigeria's Electoral Process and Democracy

Democracy prospers when the electoral process provides an atmosphere of transparency and equal opportunity for access to governance to all the candidates vying for public office. Meanwhile, for democracy to thrive and lead to democratic consolidation, the electoral process must provide room for leadership legitimacy through free, fair and credible elections. Similarly, the institutionalisation of political institutions is rooted in political participation. The experience of Nigeria with liberal democracy today has shown that the weak ideological foundations of political parties and the procedural regulations in the conduct of electoral process are informed by a myriad of factors, which are essentially institutional and systemic in nature. In any case, the culture of corruption transcends public life and engulfs the foundation of politics, society and the economy, leading to various manifestations

of unease in the practice and handling of the most cardinal democratic rituals, which are electoral practices.

It is in the context of the orientation of the political elite and their stakes in power that one can explain the legal, operational and organisational challenges faced by INEC in handling elections, particularly re-runs. Other equally important dimensions of the crisis of the electoral process today are the behavioural challenges associated with the electorate in exercising their civic mandates. The overall consequences of these experiences account for the epileptic development of the electoral process and democracy in general. The impact of these tendencies on the political process is often pronounced in the cancellation of results and declaration of elections inconclusive with a profound impact on the development of democracy in Nigeria.

An inconclusive election creates political apathy and despondency on the part of the electorate. In analysing the relationship between re-run elections and low voter turnout in Houston, Texas, Holeywell (2014) observes that out of 27 per cent of registered Houston voters who cast their ballots in November 2015, the highest total since 2003, only 15 per cent cast their ballots in the run-off election that was conducted. The turnout was very low because many voters lost interest in the process. The experience of re-run election turnout in Nigeria also shows that once voter fatigue creeps in, either as a result of insecurity or the nullification of election by a tribunal or the Court of Appeal, they usually give up their mandate and are reluctant to turn out for election. Where a re-run election informs the need for tight security in the hotspots of electoral violence, voters and, to a large extent, electoral officers hardly turn out for the election in the affected PUs. The Table below shows that less than 40 percent of voters turned out in twelve elections conducted between May and July 2016. Ife Central bye-election and the supplementary election recorded the lowest turnout of voters (16.62 per cent), while Isiala Mani Local Government State Constituency recorded a 27.66 percent turnout.

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Table 7: Summary of Results of Bye-elections, Re-run and Supplementary Elections in Some Selected Federal and State Constituencies, February to July 30, 2016

S/N	Const./ Senatorial District	Type of Election	Date	Total No. of Regd. Voters	Total No. of Accdt. Voters	Total No. of Valid Votes	Total No. of Rejd. Votes	Total No. of Votes Cast	% Of Turn out
1	Minjibir, State Constituency, Kano State	Re-run	July 30 2016	78, 210	28, 474	23, 620	2028	25, 648	36. 41%
2	Nassarawa/ Toto Federal Constituency	Bye-Election	May 28, 2016	202, 338	76, 475	74, 848	978	75, 826	37. 80%
3	Benue South Senatorial	Re-run	February 20, 2016	522, 713	165, 093	155, 813	3, 744	159, 557	31. 58%
4	Oru East State Constituency Election	Re-run Election	July, 23, 2016	69, 029	11, 976	11, 171	736	11, 907	17. 35%
5	Isiala Mbani State Constituency, Imo State	Re-run	July 23, 2016	74, 875	15, 297	14, 339	683	15, 022	20. 43%
6	Imo North Senatorial District	Re-run	July 23, 2016	305, 102	95, 603	89, 917	2, 749	92, 666	31. 33%
7	Oru East State Constituency, Imo State	Suppl. Election	July 28, 2016	69, 029	12, 887	12, 032	785	12, 817	18. 67%
8	Isiala Mbano State Constituency, Imo State	Suppl. Election	July 28, 2016	79, 608	22, 018	20, 870	859	21, 729	27. 66%
9	Imo North Senatorial District	Suppl. Election	July 28, 2016	305, 102	106, 819	100, 823	3, 023	103, 846	35. 01%
10	Ife-Central State Constituency	Bye-election and Suppl. elec	April 9 and 10, 2016	95, 114	15, 312	15, 008	304	15, 312	16. 62%
11	Nassarawa/ Toto Federal Constituency	Supplementary election.	July 1, 2016	202, 338	87, 602	85, 728	1, 007	86, 805	43. 29%

Source: Data gathered and compiled by the author from INEC Reports and Election Monitors, 10th August 2016.

For example, killing soldiers and people and the intimidation of electoral officers had resulted in the withdrawal of many voters and trained electoral officers in the re-run elections held in Ogba/Egbema/Ndoni Local Government Area of Bayelsa State. In Rivers and Kano re-run elections, the experience was not much different. In the FCT Area Council elections, the exercise had to be postponed because of what the Resident Electoral Commissioner called the shortage of ad-hoc workers. Similarly, with total registered voters at 78,210, the Minjibir, Kano House of Assembly re-run election ended with a total of 25,648 votes cast due to voter apathy arising from the fears of possible electoral violence. This does not mean that all the re-run elections held in 2016 were marred by violence. Rather, where election regulations were observed and adequate preparations made, INEC had a smooth sail with negligible incidents of logistical hitches like the failure of the card reader, rejection of the fingerprints of voters and the late commencement of voting process.

In addition to the contraction of democratic space for the electorate, the costs of running a re-run election arising from the declaration of an election inconclusive are very high. Obviously, the conduct of any election, particularly re-runs, is expected to be costly. For example, with only a total of 5.8 million registered voters, Haiti's recent re-run presidential election was budgeted to cost $55 million (*Miami Herald*, 2016). Although the financial costs of conducting re-run elections in Nigeria are not yet made available, it can be inferred that their combined costs are better imagined than provided.

To illustrate this point, it is important to understand the cost of undertaking a re-run election and the waste of resources therefrom, citing the experience of the Lafia/Obi Federal Constituency held on April 18, 2016. The winner declared by INEC in the 2015 election scored over 74,000 votes, while the runner-up had a little over 70,000 votes, but when the Court of Appeal ordered the INEC to conduct a re-run in Angwan Doke Polling Unit (004) alone, a unit with over 1,000 registered voters, only 25 voters turned out in an election that cost INEC N3.2 million (Yakubu, in *The Nation*, March 16, 2016). Available figures from the Commission's Consolidated

Operations Budget show the financial costs of conducting two governorship election re-runs (Kogi and Bayelsa); 2 federal constituency re-runs and 1 (Jibia, Kastina) state Assembly bye-election held from December–March 2016 as follows:

Table 8: INEC Expenses for Governorship, Federal and State Constituency Bye-election and re-run elections, December 2015 – March, 2016

S/N	State	Constituency	Amount
1.	Gombe	Akko/Federal Constituency re-run	₦67, 237,355
2.	Bayelsa	Governorship Re-run Election	₦475, 451,210
3.	Katsina	Jibia State Assembly Constituency Bye-election	₦46, 694,720
4.	Kogi	Governorship Election re-run	₦633, 615,975
5.	Benue	Benue South Senatorial Re-run Election	₦220, 710,244

Source: INEC Consolidated Operations Budget, December 2015 – March 2016

The Table above shows that colossal amount of money was spent to conduct re-run and bye-elections in Nigeria. The aggregate of the amount that would be spent on such elections is more than what one might imagine. The financial cost of re-run elections is one out of many other costs of inconclusive elections because the electoral body usually multiplies the number of its staff and logistics in order to ensure a hitch-free re-run election exercise. In terms of lives and property, the social and economic costs of violence that precipitated the declaration of the re-run elections held in Kogi, Taraba, Imo, Bayelsa, Rivers and Kano are unimaginable, as properties belonging to the INEC was mostly the target of political thugs and vandals. In most cases, electoral violence also causes temporary disruptions of economic activities.

The role of Tribunals and Court of Appeals in nullifying elections serves democracy better in some cases and in others retards the credibility of the electoral process. It is an understatement to say that the Election Petition Tribunal and Courts are really reducing the rate of hijacking the mandates of voters through the nullifications of

elections with cases of procedural irregularities. It is also endangering the electoral process when legal interpretations are embroiled in apparent subjectivity. Badamasiuy and Bello (2015:134-135) observe that:

> More troubling were the series of election decisions that were grounded not strictly on the law and facts but on technicalities and purported 'national security concerns' in order to consolidate the transition to a matured [sic] democracy…. The wishes and aspirations of the people, which constitute the core of democratic governance and legitimacy, were persistently disregarded because of technicalities in election petitions.

Such legal verdicts that further complicate rather than resolve, once and for all, election petitions are antithesis to democratic deepening. The fact that some courts have nullified elections and ordered for re-runs only to be reversed later by conflicting judgements by a different judicial division of the Court of Appeal is a signal that Nigeria's judicial system needs to operate in tandem with its counterparts in developed democracies. Such were the fates of Governorship Election Appeal Tribunal that nullified the election of Nyeson Wike as the Governor of Rivers State and Governor Okozie Ikpeazu of Abia State, among other legal conundra. Similarly, although the legal dilemma that was caused by the death of the APC governorship candidate on the day the results of the election were declared was settled with the replacement of the deceased with another candidate of the party, the legal void created by the Electoral Act and the Constitution is still a reference point of legal dilemmas of election in Nigeria.

Too many inconclusive elections undermine the institutional capacity of the electoral management body. This is likely to send the wrong signal to stakeholders on Nigeria's electoral process that future elections could be littered with spots of inconclusiveness. The 2015 general elections had set a new record in the country's democratisation process, for, despite the challenges encountered in some areas, the exercise was considered a reflection of voters' mandate. Therefore, there is the need for caution and steadfastness in addressing the factors that generate electoral misconduct

expressed mainly in over voting, vote snatching, violence and intimidating electoral officers with dire consequences on the integrity of the process.

The 2019 General Elections and Inconclusive Elections

With the worrisome experience of inconclusive elections that trailed the aftermath of the 2015 elections, the scenario of the conduct of the 2019 election was cast for everyone to predict what would eventually become the most probable course of action. The states that were affected by inconclusive elections in the past were: Adamawa, Imo, Kogi, Bayelsa, Osun and Ondo. Indeed, in 2011 and 2013, inconclusive elections affected 2 states only, but the number increased to 4 in 2015. However, only 1 state was affected in 2018 and in 2019 the country recorded 23 cases of inconclusive elections. Between 2011 and 2019, INEC had declared 32 elections inconclusive (*Daily Trust*, Wednesday 13, 2019:6).

Table 9: Inconclusive Elections in 2019 General Elections

Senatorial	10
Governorship Election	12
House of Representatives election	7
State Assembly Elections	8
FCT Area Council Election	3

Source: Daily Trust (2019), Wednesday March 13, 2019, Vol. 47, No.33. p.1.

Though the situation and factors that lead to the declaration of election inconclusive differ from one state to another, in general, such decision in the electoral process is the last action to resort to. The governorship elections that were held in 29 states and 991 constituencies of the federation on Saturday 9, 2019 were not exceptions to the various intractable factors that called for the declaration of inconclusive elections as the states of Adamawa, Bauchi, Benue, Plateau, Sokoto and Kano were declared so. In Plateau State, the total number of voters cancelled was more than the difference in the number of the votes of the two major candidates. In Bauchi State, the election was declared inconclusive because the margin between the winner and the opponent was less

than the total number of votes cancelled in some polling units. The situations that led to the declaration of inconclusive elections in Adamawa, Sokoto and Kano States governorship elections were different. There, the number of cancellations were higher than the margin of lead votes between the two leading candidates. The case of Rivers was different. The entire election process was suspended due to widespread violence and disruption that have been the case in the past elections held in the State.

Table 10: March 9, 2019 Governorship Elections Declared Inconclusive by INEC

State	APC	PDP	Margin	Remark
Adamawa	334,996	367,471	32,475	Inconclusive
Bauchi	465,453	469,512	4,059	Inconclusive
Benue	329,022	410,576	81,554	Inconclusive
Kano	987,819	1,014,474	26,655	Inconclusive
Plateau	583,255	538,326	529,400	Inconclusive
Sokoto	486,145	489,558	3,413	Inconclusive
Rivers	Suspended	Suspended	Suspended	Suspended

Source: INEC March 12, 2019 (Released by National Television Authority, Network News at 9.00pm

Table 11: Outcome of March 23 Election Re-Run

State	APC	PDP	Margin	
Adamawa	336,386	376,552	40,166	Concluded
Bauchi	465,453	469,512	4,059	Concluded
Benue	35,4155	43,4473	89,318	Concluded
Kano	1,033,695	1,024,713	8,982	Concluded
Plateau	59,582	54,6813	48,769	Concluded
Sokoto	51,1660	51,2002	342	Concluded

Compiled by the author, March – April, 2019.

In all, it can be deduced that inconclusive election is either intentionally caused, in which case it can be regarded as *stage-managed* by the opposition, or declared inevitably as the unintended

consequences of the outcome of election. Opposition political gladiators who disrupt the electoral process with a view to making it inconclusive for political expediency usually orchestrate the stage-managed inconclusive election. They could instigate violence at polling units by disrupting the collation of results, as was the experience of Kano State in the 2019 governorship election at the Nassarawa Local Government Area. There, it was a Commissioner for Local Government in the State and a Chairman of a Local Government Area that stage-managed the disruption that led to the declaration of the election inconclusive. The Commissioner was allegedly said to have torn the result sheet, halfway into the collation process, a development that led to violence (*Daily Trust*, Tuesday March 12, 2019:6). In the second scenario, an election was declared inconclusive because of unintended consequences of the voting pattern, mainly the cancellation of some polling units that resulted in lead margin. The latter is said to occur when the number of rejected votes exceeds the number of the vote margin between the lead contestant and the runner-up of the election.

 It is important to note that the challenges of the conduct of election in Nigeria are beyond the usual logistic, administrative or legal framework of the election. They have to do with the attitude of the political players and the electorate. Therefore, what is more complex and challenging is the fact that attitude cannot be subject to legislation but change in the pattern of the value orientation of the society. Politicians are products of the society in which they live, while each society reflects its very experience and its corporate entities and institutions; its environment being the most influential in determining the character of its people.

What Should be Done and Who Should Do What?
Arising from the challenges identified above, three major conclusions can be reached. First, the condition in which national politics has temporarily ceased to be an epicentre of contestations in the aftermath of the 2015 general elections has created intense competition in the 'homelands' of political gladiators. This is a sufficient avenue through which unwieldy competition and the unconventional techniques of the winner-takes-all politics result in

the cancellation of re-run elections and wreak untold consequences on the electoral process. Second, and closely related to the first point is the fact that as national politics relegates political competition to states, political players find it expedient to cut corners, using the instrumentalities of election tribunals and courts to achieve their covert but designed objective of making election inconclusive. It has been reported that there were no less than 680 court cases emanating from the 2015 general elections (Yakubu, cited in *Punch* newspaper*, Saturday August 20, 2016). The third factor is that capitalising on the logistical challenges faced by INEC in re-run elections; politicians are quick to exploit this as a window of opportunity to disrupt the conduct of bye-elections or run-offs as a time-buying mechanism in order to replenish their resource strength and vigour in the next round of election. In view of these challenges, neither INEC nor courts could guarantee conclusive election at the first ballot (Yakubu, cited in *Punch* Newspaper*, August 20, 2016).

Whichever way one looks at it, inconclusive elections are the products of necessity and an imposition on the electorate. On their part, voters also find it reluctant to be governed by the regulations of election at re-run elections because they see it as an aberration. In most cases, in their anxious attempt to put the election exercise behind them, they often bastardise its conduct and create an enabling environment for politicians to maximally use subtle mechanisms to gullibly entice voters to disrupt its conduct, leading to the further cancellation of results in some PUs and the eventual declaration of elections inconclusive. This phenomenon can be referred to as the inevitability of the vicious circle of inconclusive election, which produces a series of unfinished elections.

Undoubtedly, this circle is basically reinforced by the phenomenon of the business-as-usual pattern of party politics in Nigeria and has been characterised by youth vanguardism, crude manifestation of the class character of political hegemons and the intricate power tussles in the state, local government or any area where a re-run election is holding, as was the case in the Abuja Area council elections. Therefore, to reverse the occurrence of the seemingly unending scenario of inconclusive elections, political parties and their

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supporters must abide by the enabling laws governing the conduct of election in the country; otherwise no rocket science effort can make the INEC conclude elections in the face of the apparent violation of the rule of the political game.

In spite of such generally worrying trends that inform the occurrence of inconclusive elections in Nigeria, there is still the need to emphasise the point that INEC is substantially making an indelible mark in the area of managing elections. However, what is needed is to continue to pursue the earlier reform initiated by its former chairman, Prof. Attahiru Muhammadu Jega, to its logical conclusion. It is important to face the reality of the election environment in the country and revisit the existing polling units in order to reduce the distance from one polling unit to another. The experience of elections in Kogi State where the terrain is very difficult and the PUs are far apart further reinforced the need to create more polling units. Creating them will reduce overcrowding in one PU and enable dispersing voters as evenly as possible. In addition, creating additional PUs will enable the Commission to split large PUs and create room for new settlements not serviced by any existing PUs to have one (Jega, 2015a). The commission should also go beyond institutional/organisational reform to include some of its enabling laws that do not require the assent of the National Assembly. With the support of civil society organisations, the commission should vigorously pursue the incorporation of most of Justice Muhammad Uwais Electoral Reform Committee's (ERC) recommendations to address the existing contradictory provisions in the Electoral Act and the amendment of the Constitution in order to address special scenarios like the death of a candidate before or on the day of the declaration of election results, as experienced in the case of the Kogi governorship election in November 2015. There is also the need to provide a caveat in the Electoral Act to the effect that a nullified election as a result of the disqualification of a winning candidate should not call for a re-run election in that constituency. Instead, a certificate of return should be issued to the runner-up. Also, there is the need to include in the amendment of the Electoral Act the restoration of INEC's powers to disqualify candidates.

Furthermore, Nigeria's voting formula in the determination of the percentage of voters needs to be revisited. The first-past-the-post system should be modified to provide a more systematic and credible voting system that would help to avoid incessant cases of inconclusive election is urgently needed in the reform of the electoral laws. To this end, a majority re-run election is recommended for Nigeria because it reduces votes to only two candidates in the second re-run. If this system is adopted with only the calculation of the percentage of voter turnout in the re-run election, instead of the percentage of registered voters, this will eliminate wastage and encourage positive campaigns.

In the area of election management whether re-run, end-of-tenure or bye-elections, INEC should develop elaborate training for its ad-hoc staff on the use of SCRs and also ensure that it overcomes some inherent logistical challenges in the conduct of elections. In some of the re-run elections conducted so far (for example, Southern Ijaw Constituency election, Kogi Central Senatorial re-run and the FCT Area Council elections, to mention a few), there were reported cases of late arrival of election officials, run-down batteries and the non-usage of the SCRs and snatching ballot papers. These logistical challenges and many other related cases need to be addressed administratively before the next general elections in order to restore confidence and provide effective service delivery. Though the controversy on whether or not the use of SCR is legal has been settled because the law allows INEC to come up with administrative reforms that it deems effective in the conduct of elections and the deployment of the card reader has been covered in this category, there is still the need to have an explicit provision in the Electoral Act to accommodate its utilisation. This effort will settle the issue of disputing the legality of using the method in elections and finally address any controversy related to it. Also, administratively, INEC should adhere to the constitutional limits of holding elections and ensure that conducting elections close to the end of tenure or bye-election creates huge logistical burden for the commission and a tense political atmosphere in the political environment of the election in question.

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The security dimension of the problem of elections in the country needs to be looked into. If past experience is anything to go by, particularly in the case of Rivers, Minjibir, Okigwe, Bayelsa and Kogi re-run elections, it is quite necessary to revisit the terms of the engagement of the police during elections. Security agencies are sometimes partisan and unreliable in the discharge of their expected role of protecting voters, INEC officers and public property from the wrath of political thugs.

Civil society organisations should also develop keen interest in monitoring bye-elections, re-runs and end-of-tenure elections in order to provide independent reports and recommendations on how best to organise, manage and administer such special elections. It appears that most CSOs are visible and during the general elections very few apply to INEC for accreditation to participate in special elections. Such elections have their dynamics, forms and character, which require a special monitoring team for effective coverage. The difficult challenge of ensuring successful bye or re-run elections is human agency, which informs the attitude of the political elite and their supporters. It is a serious concern in the remote and recent past and in the current development of Nigerian politics. Politics has always been a battlefield. Today, the contest for power has been magnified to include hate speech personality attacks and innuendoes that are inconsistent with the moral precepts of politics. Provisions (Sections 95, 128, and 117) are made in the Electoral Act 2010 (as amended) but in reality, the legal system has not been very speedy, where culprits are summoned before it, to bring electoral offenders to justice. In particular, Section 95 (1) says that "a political party campaign or slogan shall not be tainted with abusive language directly or indirectly likely to injure religious, ethnic, tribal or sectional feelings", and (2) "abusive, intemperate, slanderous or base language or insinuations or innuendoes designed or likely to provoke violent reaction or emotions shall not be employed or used in political slogans". Different penalties have also been specially provided for whoever contravenes these provisions. In practice, lack of enforcement of these laws and serial abuse during political campaigns is common.

Therefore, the enforcement of the existing electoral laws requires the setting up of the Electoral Offences Commission Tribunal, as recommended in the Uwai's and later Sheikh Abubakar Lemu's Committees. In order to reduce the high incidence of court cases before INEC and also try election offences, such as hate speech and insinuations that could generate political tension and electoral violence, justice must be institutionalised. No one should be above it. Establishing specialised tribunals and courts to address election petition cases and infractions by politicians would provide room for the professionalised legal dispensation of justice on election matters and also regulate the behaviour of politicians. Similarly, with the establishment of the Electoral Offences Tribunal, election petition cases would not be dragged on for too long either on technical grounds or based on the whims and caprices of judges, as is the case in conventional courts.

Conclusion

Briefly, a lot needs to be done in the long and short run in order to overcome the recurrent challenges that lead to inconclusive elections. The experience of inconclusive elections is reversing the gains of the progress made in the 2015 general elections and is likely, if it is not informed substantially by the principle of justice, as provided in the enabling electoral laws, to endanger democracy and its consolidation in Nigeria. Hence, it can be argued that inconclusive elections only promote democracy when, on a case-by-case merit, they are meant to forestall a situation of appropriating the mandate of the electorate.

In any case, the spate of inconclusive elections across Nigeria is a bad omen in a country which was able to conduct peaceful elections in 2015 - a feat which has restored the confidence of Nigerians and the international community that the country has gotten it right. To make the situation better for democracy, it requires the input of all stakeholders, particularly politicians, political parties, the civil society, the election management body and the judiciary. The action is not only for INEC to undertake, but also requires the synergy of stakeholders because the problems of the conduct of elections emanate mainly from the institutional weaknesses that affect the

democratic institutions in developing democracies like Nigeria. Consolidation elections are very difficult to come by because they carry the trappings of various interests: the political, class, the religious, the group and even the sectional. In general, these challenges also require a change in the country's political culture, which is deeply rooted in the material bases of politics with its emphasis on power being the focal point of ascendancy to fame, social mobility and class domination.

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CHAPTER SIXTEEN

Youth as Vanguards of Democratic Change, Peaceful co-existence and Support for the Electoral System[1]

Introduction

Youth are the leaders of tomorrow and vanguards of today's political change. Democratic governance does not operate in a vacuum; it has some ingredients that shape its growth, development and consolidation. One of these ingredients of democratic governance is the input of youth in the political process. Therefore, the youth are the seeds of representational democracy because they help democracy to germinate with constructive philosophies and principles; they also nurture politics of social, economic and political transformations. Whether in advanced or developing societies, the youth can only realise their potential and participate actively in the struggle for social transformation when they are empowered and their historical relevance in this crusade is recognised, cherished and encouraged by the state and society. In developing societies like ours in which democracy is yet to find a strong foothold in the political system the task before the youth is both enormous and challenging.

It is against the above background that this chapter examines the role of the youth in consolidating "democracy" by establishing a framework for peaceful co-existence in Nigeria. The chapter is divided into five sections. In Section One the chapter provides a conceptual framework of the word "youth". In Section Two the chapter highlights the different modes of political participation among the youth in the context of the material and objective aspects of the prevailing political culture in Nigeria's political system. In Section Three, the nature of youth contribution to political change is examined. The role of the youth in the promotion of 'democracy' in

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[1]Presented at Capacity Building Workshop for CSOs in Kano, held at Mambayya House, Bayero University, Kano on Saturday 9th April 2011.

Nigeria's Fourth Republic is examined in Section Four. Finally, Section Five concludes the chapter.

The Concept of 'Youth'
The concept of youth is very elusive; it defies a precise meaning because of the degree of interpretation it has been subjected to by scholars and people of various social and even ideological persuasions. One of the commonly used definitions is that which focuses on a particular age bracket. In this perspective, the concept of 'youth' is operationalised as young people (male or female) who attain 18 – 35 years of age. For example, the National Youth Service Corps (NYSC) places the age for youth service as 30 years in order to cover the age bracket of youth eligible for the national youth service scheme in Nigeria. The age bracket definition is problematic in the sense that in some societies and cultures someone who is 40 years old or even older is considered as an integral part of social group called 'youth'.

In fact, there is little work done in the area of anthropology or sociology to clarify the theoretical basis of categorisation of age as a yardstick for the definition of 'youth'. However, for easy reference, the age bracket definition sounds promising. Therefore, while agreeing with Okpeh (2005:363) that "broadly speaking, youths are the category of the human species that fall between 18 and 35 years", the focus on the youth in this chapter is from Okpeh's perspective, which does not dwell on the inherent characteristics of young people in general, but on the construction of youth through social processes using age bracket. By this notion, consideration is given to the role of the youth in national liberation, development, democratic empowerment and social transformation. Thus, distinct from other social group in the population of any society, the youth are: the embodiment of social change; full of ambitions and ideas; the epitome of unity; the bridge between today and tomorrow; the real labour force of the society and the vanguards of democracy and political stability

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Therefore, given the above definition, it can be said that people in their youthful age are more likely to contribute to the development of the society. In terms of democratic development, the youth are the beacon of hope and the pillars of the enabling democratic values needed for political change. Peace and stability can hardly be achieved without the support of the youth. They serve two roles– *builders* and *destroyers* of the society. The youth are builders of society when they engage in meaningful activities that can transform the society for better living; they help to destroy the fabric of the society when a large number of them get engaged in activities that are detrimental to the survival of the society and its future generation.

Modes of Political Participation among the Youth
Two types of youth participation in the political process of societies can be discerned— the *horizontal* and the *vertical*. In the former, youth participate in the political process due to an enabling legal framework that governs citizens' rights, duties and responsibilities. This form of participation is informed by the need to exercise civic responsibility guaranteed by the Constitution. It also involves the voluntary participation of citizens as stakeholders in the democratic process. Political participation from this notion includes active participation in the process of governance, participation in election monitoring activities, working with relevant election bodies, such as INEC, or assisting in preventing political crises through engagement in meaningful activities and rational actions, etc.

In the latter form of political participation (vertical), the input of the youth to the political process could either be positive or negative. It is positive when many aspects of horizontal participation become prevalent in the youth. These include peoples' participation in politics at the grassroots level and in the process, thereby learning the art of competitive politics. It is through this process that the youth realise their potentials in the political process of a country because they acquire knowledge of the basic rudiments of political culture, develop their skills in the area of political tolerance and empower themselves for progressive political actions. Essentially, what is positive in the vertical participation of youth in politics is

predicted on their need to imbibe and entrench the ethos of fair play in politics, develop political consciousness and inculcate the spirit of patriotism and selfless service to the nation, which is devoid of corruption. In short, within the positive vertical participation of the youth in the political process of their country is J.F. Kennedy's famous saying paraphrased as "think of what you can do first to your country rather than what your country will do for you".

On the other hand, the negative vertical participation of the youth in politics is essentially dysfunctional to the society and the youth as leaders of tomorrow, as such politically demeaning activity is counter-productive to the development of sustainable growth and to development in various aspects of national life. The negative vertical participation of the youth in politics is, therefore, antithesis to the flourishing of rule of law, a misnomer that is disdainful to the cause and spirit of grassroots democratic political participation. In Nigeria, negative political participation among the youth manifests itself in their manipulation by politicians to foment trouble and conflicts: political, religious, communal, sectarian or all.

The Role of the Youth in Promoting Democratic Change and Peaceful Co-existence

The scope and practice of youth involvement in politics, in general, and democratisation, in particular, is informed by their independent minds. Once this mind is developed, they can muster their talents and skills in the process of nation building, which will enable them to question the contradictions of the retrogressive political elements in the society. To a greater extent, the ability of youth as potential leaders of any society is informed by their material conditions, culture and the political environment in which they live, among other factors. Historically, the youth in Nigeria have never been docile in their attempts to identify with popular progressive movements for the salvation of the country from the indecency of governance, whether under colonial, military or civilian regimes. On the contrary, they have not been given a wider space for input making in the process of governance, either as a result of domination of the political realm by politicians or as result of military rule.

However, it is important to make a distinction between *organised* and *unorganised* youth in the democratic process in Nigeria. The former category of the youth has a platform of political action; they have formal channels of coordinating their activities and often aggregate and articulate their demands and views spontaneously through demonstration, protests and campaigns or both (e.g. NANS). Their organisational strength depends on their financial strength and collective awareness of national problems. Advocacy and promotional youth NGOs are also among the list of organised youth. Others are vigilante groups, voluntary youth organisations, such as Boy Scouts, and even youth paramilitary institutions (eg. Man O' War). Each of these youth organisations or associations has different mandates and goals. Yet, they all have their own contributions to democracy building in Nigeria.

The latter category of the youth lacks organisational strength, coordination and the collective channel of playing its role in promoting governance other than through individual efforts. In this category are individual members, who do not have a platform of their own, but are often organised spontaneously as a mob in order to express their discontent with the process of poor governance or even employed as thugs by politicians. The unorganised category of the youth, like the first category, could either be agents of destabilising the democratic process (i.e. the activities of unemployed youth hangovers called '*Yan jagaliya* in Kano or '*Yankalare*; political thugs in Gombe) or contributing to the development of democracy through devoting their time and energies for political development at the grassroots development.

Thus, when empowered, both categories of the youth can contribute to the process of democratic deepening. It is, however, pertinent to stress that the organised youth are more visible and active in influencing state action on issues of public concerns than the unorganised youth, who often operate clandestinely, as in the case of youths in the Niger Delta region of Nigeria. This is not to suggest that some organised youth movements or organisations always serve the cause of democratisation. In some cases, the state-formed youth organisations could be undemocratic, thereby serving undemocratic

agendas. The major question to answer is to what extent do youth contribute to the process of governance, democracy and the democratisation process in Nigeria?

The answer to the above question requires a short historical synopsis of the political development of Nigeria *vis-à-vis* youth contributions to its various phases. In reality, the youth have not been given the scope to participate in the democratic development in most developing democracies. This is as a result of the dominant political interests of the economically buoyant politicians, who have the resources, influence and formal and informal networks; locally and sometimes internationally, to "win" elections. Through the process of primitive capitalist accumulation, hegemonic politicians alternate power in some African countries in order to preserve the status quo. Nigeria is no exception to this experience. However, because they see themselves as an integral part of leadership and a veritable tool for future reference in the political process, the youth in Nigeria devote their energies towards challenging the unbearable undemocratic tendencies of the political class. It is against this background that in the trying periods of Nigeria's political history, the youth often become the veritable actors in social transformation.

In the period of undemocratic colonial rule, they not only questioned the edifice of colonial domination and misrule, but also spearheaded the formation of political parties that staunchly agitated for nationalism and self-rule. Kofo Abayomi, Herbert Macaulay, Bode Thomas, Nnamdi Azikiwe and other young educated elites who were at their different youthful ages formed the National Youth Movement (NYM) in 1923. In the Northern part of the country, young radicals and progressive minded advocates of social transformation in the face of tyrannical rule of the Native Authority formed the Northern Elements Progressive Union (NEPU). In fact, almost all the nine founding members of NEPU were young people imbued with the dominant interests of the state and its traditional outfit of authority.

Apart from rallying round under platforms of political parties, the youth engaged in constructive criticism of the existing colonial state either through alliance with trade union organisations or by utilising the existing media outfits for their struggles. For example, at the age of 19, Alhaji Magaji Dambatta was the editor of the Hausa Section of *The Daily Comet* newspaper, which he used to attack the colonial state and their stooges as well as to conscientise readers about the necessity of political change in Nigeria. The same can be said about Mallam Sa'adu Zungur, Aminu Kano and other politicians of the time some of whom later became ministers at the age of twenty-seven.

After independence, the youth helped to improve governance by way of resisting unpopular government actions. It was the reaction of youth against the process of the re-colonisation of Nigeria which compelled the Tafawa Balewa Government to abrogate the Anglo-Nigerian Defence Pact in 1962. Throughout the thirteen years of military rule (1966 -1979) and the nearly three decades of military authoritarian rule (1983 -1999), the role of youth in Nigerian politics was essentially that of "whistle-blowing" on the burning issues that affect the economy, society and politics. They served as opinion makers and interest groups, who helped greatly in changing unpopular state policies. In particular, the regime of General Yakubu Gowon recognised the youth as the embodiment of peace and unity. This led to the decision of the federal government to introduce the National Youth Service Corp (NYSC) scheme in 1973. But also youth themselves have been at the fore front in the quest for the exit of military rule.

In the later years of military rule in Nigeria, various pro-democracy groups and civil society organisations were established by young graduates, who, in most cases, were fed up with the deepening economic crisis of the 1980s, the frightening unemployment rate, the hardships engendered by the Structural Adjustment programme (SAP) and the crisis of rising expectations and dashed hopes that were associated with endless transitions to civil rule in the country (Mohammed, 2006). For example, the National Association of Nigerian Students (NANS), which was formed in 1980, released a

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document in 1982, popularly known as the NANS Charter of Demands, in which the democratisation of the Nigeria's educational system was called for. Central to the points raised in the Charter was the view that the problem of democratisation in education was to a large extent caused by the undemocratic nature of the polity (Adejumobi, 2000). It was the Charter that continued to guide NANS in its campaigns for democracy during military rule.

Thus, it can be said that organised youth associations in Nigeria have played a prominent role in the democratisation process. They are still working in various NGOs calling for constitutional and electoral reforms in the country. Though their efforts had, at various points in time, been thwarted due to bans imposed on them and the divide and rule tactics employed by the military authoritarian state as a whole, their actions showed their commendable contributions to accelerating the return to civilian rule in 1999. The youth have played a vital role in ensuring that the state is brought to its knees under military rule and finally helped greatly, through alliances with other democratic forces, in forcing the military regimes to quickly organise a marathon transition to civil rule and hand over power to civilian rule in 1999.

Without internal democracy in most of the sixty-three political parties in Nigeria today, largely due to the phenomenon of 'god-fatherism', the youth in the country have no level playing political platform on which to contest elections or even contribute to party debate and constructive political discourse at the grassroots level. Consequently, the crass political opportunism by some politicians has made it easy for aspiring and serving politicians to manipulate the disempowered the youth, who are mainly rendered unemployed due to bad governance. Therefore, most of the teeming number of youth are employed as foot-soldiers for undesirable political activities, such as yelling party slogans in the street or are hired as party thugs to deal with opposition party candidates and supporters. In some states in the federation, the youth are organised in form of paramilitary units of the chief executive, providing "security" for Governors, his followers and party.

On the economic front, the youth of today are faced with excruciating despoliation as a result of the mismanagement of the economy by politicians, who exhibit self-centredness in the face of the spiralling effects of poverty and unemployment in the country. In fact, as far back as 1969 Malam Aminu Kano observed the trend in the neglect of youth in the face of the myriad of problems in the country, which, rather than abet, are today part of the country's dilemma despite the entrenchment of civilian rule for over 10 years since 1999. In the words of Malam:

> The Nigerian youths of today are faced up with everything; they are fed up with pomp, waste, inefficient public services, corruption, illiteracy, beggary in the street, inadequate facilities for education, lack of proper direction in economic and foreign policy, foreign intervention, deceit and hypocrisy (Cited in Jega et al. 2002:234).

If they are well empowered and utilised, the productive energies of the youth would have been tapped for the betterment of democratic deepening given the space of policy process under a democratic setting. Ironically, the 10 years' of 'democracy' in Nigeria further marginalised the youth and engendered them to the intolerable condition of unemployment and desperation for wealth through corrupt practices. For democracy to attract the active and productive participation of the youth, it must yield them dividends, such as understanding the framework of the system. In a prevailing system where political actors exhibit clientelism and undemocratic values, there is very little opportunity for the youth to learn the art of political game conducive for democratic consolidation.

Thus, the role of the youth in democratic change and peaceful co-existence for free, fair and credible elections for good governance in Nigeria can be achieved when they are disposed to dedicating their energies towards progressive changes for the collective interest of the Nigerian society. Essentially, democratic governance is a two-tier approach. It needs the input of the society for good governance and, finally, the realisation of better output in decision-making and policy implementation (Jega, 2003). This participatory approach to

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policy making is what is needed to encourage the youth participate in good governance.

One of the guiding principles of policy on the youth is the development of democracy and good governance in which they would be involved in decision making at all the levels of government in all matters that affect them (Federal Republic of Nigeria 1999, National Youth Policy and Strategic Plan of Action, 2001). Although the setting up of the National Electoral Reform Committee (NERC) by the Federal Government in 2004 and its subsequent visitation to six geo-political zones in the country for public hearing has provided the youth and the civil society with an avenue for input making, this exercise should not be made fruitless in other issues that affect the nation. Even in the case of the NERC, government should encourage its citizens by accepting the recommendations of the Committee so as to prepare ground for youth participation in future national dialogue.

Democracy is a learning process. It requires the understanding of the workings of the executive, the legislative and the judicial arms of government. Through participatory democratic space, the youth can be represented and contribute to national development. The Federal Republic of Nigeria Constitution (1999) has placed the age limit of key public offices as follows: House of Assembly, 30 years (Section 06 (b); House of Representatives, 30 years (section 65 (1) (b); Senate, 35 years (Section 177(b); Governor, 35 years Section 177(b); President, 40 years (Section 131) (b).

It is the role of the youth to mobilise themselves through democratic means to promote the ideals of democracy either through advocacy or sensitising society on the major issues that affect the nurturing of democratic values in the country. The mobilisational role of youth would serve as a check against the excesses of government when the democratic means of making input in a political system is observed and effective demand management strategies are employed by the state. Youth NGOs are playing this role by either participating in election observer teams or "whistle blowing" on the activities of

elected public officials. However, they need to have a wider scope of participation on matters that affect policymaking, particularly on employment generation and input in legislative process.

Okpeh (2005) points out that the youth in Nigeria constitute about 59% of the entire population of Nigeria. This percentage is enough to make a significant impact on the electoral victory of any party or candidate. Therefore, if Nigerian youth from the age limit of franchise (18 years) to 35 years can cast their votes to credible candidates, they can make a wide margin in the determination of who should rule at the national, state and local government levels. The first factor to consider by the youth is the identification of credible candidates out of many "bad eggs", corrupt politicians through the deeper understanding of the calibre of the person needed to provide accountable, transparent and transformative policy actions.

One of the problems of the current democratic process in Nigeria is corruption. It engenders national dilemmas identified as the major cog in the wheel of progress in Nigeria. Besides the pervasive effect of corrupt practices on the economy, corruption has permeated various institutions, including the family and religious and social spheres of human life in the country. The frightening syndrome of corruption is its pervasiveness among the youth in the society due to moral decadence, poverty, unemployment and indiscipline.

The political manipulation of the youth in Nigerian politics has become the norm because the institution of materialism and easy money making has been the watchword of the youth as a vulnerable social group in Nigerian politics. Empowering the youth can overcome corruption, particularly when the economy is revitalised to provide productive activities to a large army of unemployed youth through justice, equity and fairness in the allocation of national resources. Once the scourge of unemployment is addressed through appropriate policy intervention by the state, the tendency of bribing youths at the polling centre or engaging them to forment violent political conflicts can be reduced. Since the Independent National

Electoral Commission (INEC) employs a lot of youth as election officials or are employed by political parties as polling agents, they can use the opportunity to overcome political corruption that can lead to questioning the sanctity of elections in the country.

By shunning election and politically related violence, the youth serve as vanguards of democracy. This role becomes necessary because their future is always at stake when political instability dislodges peace. Therefore, there is the need for youth to avoid being involved in any action what could derail the process of entrenching peace and the successful conduct of elections. Over the years, youths in various parts of the country have become weapons of political violence, as politicians use them to snatch ballot boxes at polling stations. Their goal is primarily to create commotion and stultify the electoral process in the places in which their sponsors do not have electoral advantage. When youth avoid being short-changed by politicians as agents of destruction and the causative agents of political instability, the electoral process will be peaceful and credible. This in turn will make possible for a wider participation of voters during elections. In the current political dispensation, the electorate are afraid of political conflict. As a result, they either shun elections altogether or become politically apathetic. The case of the Ekiti State re-run election in 2014 is a testimony to political violence as an instrument of political disorder and chaos in Nigeria.

Democracy is a learning process, which starts at the grassroots level of human social and political interactions. There are numerous youth associations in schools, towns and villages that require the development of internal democracy. Through the practice of internal participatory democracy, the youth can realise the benefits of responsive and responsible leadership, accountability, public trust, equity and fairness in the process of governance. Good governance is a function of political legitimacy and can be entrenched at different levels of power relations community, fraternal organisation, children's playground, clubs, management or organisation. Political parties in Nigeria lack internal democracy and have been hijacked by chief executives at the national, state and local levels of

government. Thus, through the promotion of internal democracy in youth associations, a concrete effort is made to nurture democratic civic culture that would encourage fair play in politics and the acceptance of defeat by political opponents.

Over the years in Nigeria, particularly since the return to civilian rule in 1999, youths have engaged their energies in militant political, activities such as kidnapping and assassinations of opposition politicians, political thuggery, arson and the wanton destruction of property in various parts of the country. In the 2011 elections, the evidence of lawlessness, often expressed in bomb explosions at political rallies and some areas of conflicts, endangered peace and stability. The actions raised a lot of question marks about the peaceful conduct of the elections. The Nigerian youth must avoid violence and embrace peace for democratic consolidation. They can promote peace by sensitising their members about the strategic relevance of peaceful elections through existing NGOs and Community-Based Organisations (CBOs) on the value of peace to national development. This can be achieved within the context of enabling democratic practices and the observance of the rule of law. Democracy provides appropriate channels of addressing the anger of the youth and their disillusionment over the governance challenges of the state through political participation in the process of governance.

Conclusion

Nigerians headed towards the 2011 elections with a lot of expectations and hopes. There is no doubting the fact that the input and resources of the youth would further accelerate the engine of progress in the country. So far, the youths have been neglected and forced to surrender to their fates, resulting in politicians using them as tools of violence and destruction, political corruption and misdemeanour. For the proper appreciation of their role in governance and democratic deepening, the youth must be empowered with political education and employment opportunities to shield them away from political detractors.

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CHAPTER SEVENTEEN

Political Parties and Engendering Electoral
Violence in Nigeria[1]

Introduction

Political parties are the linchpins of democracy. They serve as a conveyor belt between the electorate and their respective representatives. The inseparability of political parties and democracy can be well understood when one imagines what the prevailing order would be in a political system of democracy in which no political parties exist. The obvious stinky political atmosphere that is likely to be created in the absence of parties is invariably arbitrariness in governance and decision-making and resistance to political change by the powers that be. In short, the whole question of competition and representation in a democracy revolves around the existence of political parties and the inherent tradition of party competition for power. It is in the context of the importance of political parties to liberal democracy that Schattschneider (1942:1) argues that political parties created democracy and that "modern democracy is unthinkable save in terms of parties." Essentially, it is within the context of people's choice offered by political parties that democracy today becomes the most cherished form of government that is valued substantially by many countries around the world.

Despite the importance of political parties in political education, interest aggregation, articulation and the political training and the orientation of members, among other important roles, there is no agreement about the goal, interests and patterns of action of their membership. As a result, scholars in the field of political theory and political development have, over time, resorted to theorising on

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[1]This is a revised chapter entitled "Introduction: The Dilemmas of Political Parties in Nigeria", in Mohammed, H. (2017), *The Patterns and Dynamics of Party Politics in Nigeria's Fourth Republic, 1999-2015,* Kano: BUK Press, pp.1-26; revised and given a different title here.

political parties, leading to a large array of theories. Perspectives differ fundamentally because scholars' intellectual orientation and background as well as their ideological standpoints are either divergent or often overlap on different issues. However, one of the unique features of these perspectives is that, until the 1980s, theorising on political parties was overly dominated by Western scholars whose postulations paid little regard to political parties in other political environments, especially the third waves of democracy (Mainwaring and Torcal, 2005). The latter covers the newly emergent democracies from the Asian, African and Latin American states that adopt competitive multi-party politics following the collapse of the Soviet Union and the end of one-party system or military authoritarian regimes in their social formations. Whereas the theoretical context of political parties from the Western societies cannot holistically explain the character, patterns and dynamics of political parties in semi or third wave democracies, most of the arguments in the Western literature on political parties found expression in developing democracies.

This chapter is divided into four sections. Section One is the introduction. Section Two reviews the theories of political parties with special focus on the political parties in less institutionalised democracies. Section Three examines the Nigerian context and establishes a nexus between party politics, elections and political violence. Section Four concludes the chapter.

The Theories of Political Parties

In his famous work, *Reflection on the Revolution in France* (1962), Edmund Burke defines a political party as a body of men united under one political platform for promoting the interests of some particular principles in which they all agree. This definition suggests that a political party is an organisation of individuals who share common interests in the way a political system is supposed to be governed and decide to organise under one political association in order to acquire and wrest power with the sole aim of translating their principles into policy making. A political party is different from other organised interest groups because its central goal is to wrest power and influence policy outcomes. According to Strom

(1990: 574), a "… political party is an organisation that seeks benefits derived from public office by gaining representation in duly constituted elections." This definition portrays a political party as serving a leading role in the promotion of democracy because through its platform, political representation, which is the cornerstone of democracy, is secured. One of the key features of a political party is its ability to coordinate and represent a common interest. This explains why Joseph Schumpeter (1942) defines a political party as "a group whose members propose to act in concert in the competitive struggle for power." According to the Nicaraguan 'Law of Political Parties', "Political parties are groups of "…citizens in ideological agreement, formed with the goal of achieving, among other things, political power in order to carry out a programme that would respond to the needs of national development" (Quoted in Tellez and Cerda, 1984:175). These definitions suggest that political parties play a crucial role in the institutionalisation of democracy and consolidation.

Literally and phenomenally, political parties provide political education, screen suitable candidates and simplify political choices for election by presenting voters with coherent electoral alternatives. They aggregate and articulate the interests of people, mobilise and organise the social forces that make democracy an enduring system and connect leaders to followers. Political parties serve other functions, such as the development and promotion of policy alternatives, providing the only peaceful means for change in government and serving as the best medium for the formulation and expression of public opinion. By discouraging sectional interests, political parties serve as a unifying agent in a plural society.

Thus, given the centrality of political parties in democracy, one would obviously expect different perspectives in theorising about their purposes, objectives and dynamics in liberal democracy. Classical works on political parties within the context of political theory started in the 18th century with the work of David Hume, who in his essay, "Of Parties in General" (1742), observes that parties are established on the basis of interest and are the products of an unpleasant consequence of free government (Van Biezen and

Saward, 2008). This was followed by the work of Edmund Burke (1770), who underscores the positive role of political parties in the development of democracy and their necessity as an indispensable institution of a democratic system of government. Other theories were developed in the early 20th century, mainly by political sociologists, such as Michels, Weber, Ostrogorski and Duverger. Most of the works of political sociologists focus on democracy within parties rather than the role political parties play in the promotion of democracy.

In his work, *Political Parties*, Robert Michels (1962) identifies a recurrent tendency of party organisation in which the leadership at the top, which he refers to as 'oligarchy', controls and shapes party activities. Michels argues that it is obvious to find those who devote all their energies to the work of the party, but the price of this increased bureaucracy is the concentration of power at the top of the party machinery and the lessening of influence by rank and file members. Those at the top echelon of the party have influence over other members because of their superior knowledge and control over the formal means of communication and skill in the art of politics. The oligarchs, Michels argues (1962), suffocate the basic democratic principles while their power is ironically grounded upon a democratic basis.

There has been a shift in the focus of theories on political parties from the examination of internal democracy within parties to the dominant political actors, with emphasis on democracy as a political system that is based on competitive party struggles for power, especially following the emergence of the third wave of democracies (Bawn et al, 2012). In each of these theories, there exist different models, which can be classified and understood either from the group theories of political parties, behavioural or rational choice theories and institutional/organisational theories. Briefly, there are theories that focus on the organisation of political parties and those that deal with democracy as a political system and the role of political parties in the effective development of a democratic politics.

The Group/Coalition Theories of Political Parties

The group theories of political parties hinge on specific assumptions about party objectives and how groups coalesce and form a political party and candidates' will develop the idea of advancement of their party programme (Kelly and Ashiagbor, 2011:3). Thus, groups are very critical for the creation of more effective and representative political parties, as well as the efficient organisation and management of the legislative business. Therefore, political parties are formed largely because of the membership-shared motivation to compete for power and form a government and also use the same platform in the legislature to advance group political interests. In the legislature, members interact on the basis of group interests and represent specific policy agenda. Dhillon (2003) identifies two levels of such coalition – pre-electoral coalition formation and post-electoral coalition formation. The former sees party formation and organisation as the result of group undertaking, while the latter is about groups that engage in politicking aimed at determining policy outcomes in the legislature or parliament. This form of coalition happens at the level of individuals or the coalition of parties prompted by economic expectations.

Thus, forming a coalition has its pay-offs or dividends, which is often translated to mean sharing the cost of candidacy (sharing motivation) or the expectation of improving the chances of electoral victory (strengthening party chances of winning an election). Bawn et al (2012) identify 'legislative' and 'individualistic' benefits a party and a candidate stand to get as a result of coalition formation. In the legislature, "supporting" the party means voting for its bills, which could, in the long run, make coalescing members form endogenous voting blocs to coordinate their votes and eventually form what Duverger (1959) terms "parties of parliamentary origin" (Quoted in Eguia, 2009:3). In the electoral context, "supporting" means contributing resources (money, manpower or expertise) to a party's candidates.

Behavioural or Rational Choice Theories

Behavioural theories focus on competitive party behaviour under specific organisational and institutional conditions. The theory is an

attempt by scholars to move beyond what Neumann (1954:554) refers to as "doctrinal or formal party programme analysis into the area of political behaviour." Central to the assumption of behaviour lists is that party leaders are rational agents whose actions are determined by how they could get maximum support to secure votes, form a government and determine the outcome of policies. There are different models of rational theory of competitive parties. Each explains the pattern and character of political competition for power among competing political parties, using the experience of competitive political parties in advanced parliamentary democracies. Strom (1990) identifies three models of party behaviour according to the stipulated objectives of political parties – the vote seeking, the office seeking and the policy seeking models. The vote seeking model analyses the mean-end of actions by parties and concludes that their end is to seek the votes of the electorate, capture power and retain it for their interests. This is to say that as far as political parties are concerned, the ends justify the means. Hence, parties are not only regarded as vote seekers but also vote maximisers.

Office-seeking parties are those that maximise their control over political office, rather than votes. Central to the objectives of the office-seeking party is the political pay-offs or dividends attached to the position of power. These benefits include, inter alia, "private goods bestowed on recipients of politically discretionary governmental and sub-governmental appointments" (Strom, 1990:567). Therefore, the office-seeking party aims to maximise its control of elected office whether presidential, senatorial, gubernatorial, the office of the local council chairman or even councillorship seats. The success of parties from this model is defined in terms of how many government portfolios are under the control of the party. The policy-seeking party is directed towards maximising its effects on the public policy-making process. It is important to note that the policy pursuit in this model is presented as a supplement to, rather than a substitute for, office motivation. The instrumental pursuits of elective office are, by and large, taken to be a precondition for influence.

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The Institutional Theories of Political Parties

The institutional theories of political parties emphasise the level of the institutionalisation of political culture and democratic norms in political parties. There are variant forms of institutional theories, some of which focus on the role of informal institutions (corruption, social groups, clientelism, prebendalism) in influencing the role of political parties, while others emphasise the level of the institutionalisation of political parties as a critical dimension to the understanding of party systems in modern democracy. Maiwaring and Torcal (2005) argue that political parties in advanced industrial democracies have achieved the highest form of institutionalisation than those of developing democracies because electoral volatility in the latter is high and there exist weaker programmatic or ideological linkages between voters and parties. Also, linkages between voters and candidates are more personalistic in developing democracies.

It is important to note that, on the surface, these theories tend to state the obvious facts about political competition rather than theorising on a new pattern of their action. For example, no political party holds power without effecting policy change in its favour. Therefore, it is simplistic to assume that parties' main objective is to impact on policy change. Similarly, in the spheres of party competition, while it is noted that parties have different constituencies and generally support different policies, yet when important interests of control of government are at stake, "they will rise above their principles in order to win" and, more often than not, converge to the position of the median voter in the electorate (Fiorina, 2001. Moreover, political parties are like an omnibus or to use the words of Strom (1990) "going concerns," whose major objectives include those stated in the three models discussed above.

But it is not always the case that political parties must necessarily become vote seekers, policy seekers and office seekers *per se*. Similarly, the institutional theory of political parties overlooks the fact that they are products of historical circumstances and their development is influenced by internal and external factors. Their institutionalisation cannot be viewed as an end. Even in developing democracies, some parties are stronger than others and their level of

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institutionalisation depends on a combination of factors rather than on the mere function of ideology. However, despite these shortcomings, the theories summarised above are vital to the understanding of political dynamics in various societies. Therefore, this chapter uses a combination of the theoretical issues raised above in order to understand the dilemmas of party politics in Nigeria.

The Nigerian Context: Parties, Elections and Political Violence
Scholars on Nigerian government and politics have extensively examined the pattern of party politics before and after the country's independence in 1960 (Coleman, 1971; Sklar, 1963; Dudley, 1968; Kirk-Greene, 1971; Joseph, 1987). The same exploration needs not detain us here except to state that the culture of party politics in the country has not deviated from its early days because the perception of politics has not fundamentally changed to date. If at all one observes some changes, they are mainly in terms of the organisation of party bureaucracy and leadership, the scope of the conduct of party activities and their population and size of membership.

Political parties in Nigeria are still under-developed and less institutionalised in comparison with their counterparts in liberal democratic states of Europe and North America and indeed other equally developing democracies in Africa, Asia and Latin American countries. In fact, much of what Aluaigba (2002) called 'ironies of democracy' is attributable to the 'bow leg' in the activities of political parties in Nigeria. Przeworski (1995:54) observes from the experience of Europe's political parties, along with labour unions "were the main mechanism of incorporation of the masses into the political system," but "they are fragmented, organisationally weak, and unrepresentative in most new democracies".

In Nigeria, the experience of party politics has been characterised by what Jega (2013:5) calls the "exhibition of uncivil conduct". These include, *inter alia*, youth vanguardism and political thuggery, political 'godfatherism', the absence of an ideological framework of action, ethnic and regional politics, non-issue-based political campaign promises, 'money bags' politics, a wide vacuum between

party bureaucrats and members and between parties and the electorate, the non-observance of the rule of the political game, the relegation and exclusion of women in party organs, the control of the party machinery by chief executives of states and the federation, horizontal and vertical corruption, the absence of internal democracy and the weak resource base of opposition parties. Looking at these inhibiting factors, it is not far-fetched to concur with the former Independent National Electoral Commission's (INEC) Chairman, Attahiru Jega (2013:6), who laments that:

> While the leadership (or do we say 'owners'?) of some of these parties strove to get their parties to compete in democratic elections, they simultaneously denied or obstructed the nurturing of democracy within the parties. In many parties, financial and procedural accountability is deficient. Many hardly obey their own constitutions and they look for short-cuts in complying with electoral laws. Many are factionalized and conflict-ridden. And not only has this altered the politics within the party, it also has larger implications in terms of national politics and in terms of inter-party relations.

In general terms, the character of party politics in Nigeria today has not substantially changed from its old practice in the First, Second and Third Republics. The dominant trend has been the misconstrued class-driven perception of politics as an instrument of wealth. This explains why the conduct of free, fair and credible elections has eluded the country even many years after independence. Ethnic and religious politics are still the most recurrent features of political mobilisation. With the fading of any semblance of internal democracy, political parties have been hijacked either by 'godfathers' or chief executives, leading to all forms of inter- and intra-party squabbles. Indeed, the spate of political party switching and cross-carpeting from one political party to another in the build-up to the 2015 general elections and thereby is an indication of the weak institutional foundation of political parties in Nigeria and the callousness with which those in control of their machineries create internal discord, thereby rendering the principle of party discipline irrelevant.

With the high propensities of generating political violence, the periods of general elections since the return to civilian rule in 1999 have become a source of hysteria. The risks of political violence are always very high with pre- and post-election violence on the increase. Even the geography of violence is changing from the flashpoints of conflict in the North to the South-South and the South-West. The violence in Ekiti State between the supporters of the PDP and the APC before and after the 2014 gubernatorial election in the state, the shooting of APC supporters in Port-Harcourt, Rivers State on January 6, 2015, the bombing of the APC campaign office and rally in Okrika and the burning of Jonathan's campaign vehicles in Sololo, Jos Plateau State are indicative of how charged supporters of the two major political parties are and what their responses would be in the event of an unfavourable outcome of future election results. Extensively, Alapiki sums up the dilemmas of party politics in Nigeria in these words:

> Party politics in Nigeria has successfully demonstrated how corruption has made democracy impossible; how you cannot cast a secret ballot to choose the leader of your choice; how an approved winner will emerge whether or not the people voted; in fact, how to vote without choosing. There is a self-reinforcing link between political action and sectional mobilisation. Party politics is regarded as a game without national objectives and values but purely as a means of advancing individual and ethnic interests *vis-à-vis* those of others. The premium on power is so high that it is contested with violent intensity. The object of this contest is to capture state power in order to greedily appropriate its resources to serve the interests of those who capture it. Parties in Nigeria are associations through which elites from different ethnic groups opportunistically forge alliances across their states and constituencies to capture state power and pursue it perquisites. Once in power, the elite literally share and consume the state until the polity plunges into deep crisis and the government collapses (1994:61).

Alapiki's apt understanding of party politics in Nigeria can be appreciated if one examines the relationship between parties and elections. This is what Alapiki calls the 'high premium on power,' which is dictated by the aggrandisement that power provides for ethnic pacification, class and regional hegemony and the quest for

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the 'winner-takes-all' syndrome, which, in the final analysis, breeds the disregard of the rule of law and the extant laws that define political conduct. For example, following his declaration as the winner of the March 9, 2019 governorship election in Cross River State, Governor Ben Ayade had to boast by making an inconstructive point that with over 8,000 aides, personal assistants, advisers and others he appointed, it would be strange if he lost the election (*Daily Trust*, Wednesday March 13, 2019:13). In other words, power corrupts in Nigeria so absolutely that no incumbent executive could envisage it to slip even by the expression of the democratic choice of the electorate.

Indeed, Niall Ferguson (cited in Joseph, 2008:103) observes that there are three thresholds that democratising nations must pass in order to consolidate democratic practice: "the non-violent resolution of political competition; the acceptance of the alternation of power and the supremacy of the rule of law." Thus, Ayade's statement alludes to the fact that incumbent public officers find it difficult to lose power and accept alternation if they eventually lost a political context. The number of political aides mentioned by the Governor is never considered a test of popularity or a fiat reason to ascend to power by any means.

In the last 68 years, general elections in Nigeria were conducted in 1951, 1954, 1959, 1964, 1979, 1983, 1991, 1993, 1999, 2003, 2007, 2011, 2015 and 2019. Various forms of contestation are reported to have marred each of these electoral processes, ranging from violence, disregard of the rule of law and electoral rigging designed to avoid alternation in power. Succeeding elections did not conform to Ferguson's expectation of a democratising state. Hence, it is important to provide a preview on electoral politics before and the immediate period of independence in order to understand the pattern of political competition in the country. Suffice it to say that in Nigeria, as in most African democracies, the elections held were associated with intense competition for power and electoral misconduct among the country's political elite and their parties (Nnoli, 1978). Prior to independence, the country's political actors

represented regional class interests and considered politics as the arena of power contestation for securing regional hegemony.

Thus, Eastern, Western and Northern politicians cultivated a deeply entrenched political culture of intolerance, selfishness and the politics of the 'winner takes all' in which even within their respective regional enclaves, minorities were marginalised and opposition parties relegated to the background. Consequent upon the shaky regional-cum ethnic foundation of Nigerian politics, the elections held during the First Republic were not completely peaceful. Indeed, with the exception of the 1922 elections into the colonial dominated legislative council, which the colonial state restricted to two leading constituencies, Lagos and Calabar, the subsequent elections held in Nigeria's immediate post-independence periods were marred by political violence of varying degrees of ferocity. Although the elections of 1951/52 and those of 1954/59 were less violent, they were conducted at a time of intense regional political rivalry in the country's political development. Politics not only became more attractive, but also the material values it produces gravitated around serving regional interests, leading to the escalation of violence, though not to the extent of the country's experience today. Indeed, according to Tamuno (2003:30), only some features of political violence were recorded immediately after independence.

Therefore, with regional politics, inter-regional power struggles ensued with far-reaching consequences on the future course of Nigerian politics. First, as ethnicity became the platform on which the struggle for power was contested, it became the weapon of oppression at the disposal of the regional governments; it also governed the nature of party alliance and served as a yardstick for measuring success in any election. Second, since regional hegemony was given priority in the determination of who would get what, when and how in an unbalanced federation under a parliamentary system of government, the control of the central government became a matter of survival. As the federal election of 1964/65 approached, political assassination and the judicial imprisonment of political opponents became more pronounced. Nowhere did this type of politics find greater expression than in the Western region where

opposition parties were marginalised and oppressed by the Action Group regional government. In particular, the 1964/65 elections had been associated with frightening scenarios that culminated in what was later known as *Operation wetie* in the 'Wild-Wild West,' leading to the collapse of the first parliamentary system of government in the country (Maduagwu, 2012).

Despite an elaborate transition to civil rule in 1979, which provided a relative level playing field for politicians to eschew the politics of bitterness, politicians displayed the audacity to perpetrate electoral violence, particularly when money was used to buy off the officials of the Federal Electoral Commission (FEDECO), ballot boxes and pay political thugs. The political landscape between 1979 and 1983 was constitutionally designed to address the fundamental flaws experienced in Nigerian politics. Hence, the principle of 2/3 of the votes of 19 states for a party to win and form a government at the centre was adopted, yet pockets of electoral violence had been recorded in various states in the federation (Poroye, 1992; Tamuno, 2003). Politicians lost patience with the rules of the game and decided in 1983 to use any means at their disposal either to thwart the process or re-invent subtle means of election rigging. In a bizarre form, the ruling National Party of Nigeria (NPN) was reputed to have masterminded several inter- and intra-party feuds in order to weaken the political leverage of the opposition parties in the 1983 elections.

The phenomenon of electoral violence subsided during the period of the transition to civil rule initiated by the Babangida administration due to its "garrison" nature of overseeing the process. However, it was reinforced with the re-invention of money politics in 1993. In the subsequent transition under military rule, the phenomenon of election violence had neither subsided nor been fundamentally overcome, as cases of violence were reported in various parts of the country in 1999, 2003, 2007 and the 2011 post-election violence, respectively. The most frightening of such violence was the country's experience in the aftermath of the 2011 presidential election in the Northern and some parts of South-Eastern Nigeria.

Evidently, the 2011 post-election violence was anticipated (Campbell, 2010; Maduagwu, 2012), particularly against the background of the shoddy political deal in the ruling party on the zoning principle outrightly abandoned to pave the way for Goodluck Jonathan to contest the presidential election and consolidate power (Paden, 2012). Therefore, the eventual presidential race by the two presidential candidates of the Congress for Progressive Change (CPC), General Muhammadu Buhari (Rtd) and the incumbent, President Goodluck Ebele Jonathan, of the ruling People's Democratic Party (PDP), provided another ground for the re-emergence of "regional" (North-South) and religious (Islam and Christianity) political tendencies. Political party campaigns cleave to sectional, ethnic and even religious lines.

As a result, voters mobilised by idiosyncratic appeals felt they had a real stake in the outcome and the result was dreadful. The 2011 presidential elections, ironically despite being considered among the fairest, were the bloodiest in Nigeria's history, with 800 lives lost (Human Rights Watch, 2011:1). The violence led to the killings of innocent people in most of the affected areas, including members of the National Youth Service Corps (NYSC) and a massive loss of public and private property. In states like Kaduna, the violence left over 4,000 persons displaced and several houses destroyed and burnt (CLEEN Foundation, 2014). Electoral violence has remained a significant feature in Nigerian politics. Though its scale was comparatively low in the 2015 general elections, the phenomenon continued unabated in the subsequent elections that were conducted in the country. In 1999 alone, it was reported that 58 persons were killed during that year's polls (The Nigeria Civil Society Situation Room, cited in *Punch*, March 11, 2019), which is indicative of the fact that the country is still grappling with the problem of institutional and systemic decay in the foundation of party politics.

Conclusion

In conclusion, it can be said that though political parties are blessed with a coterie of theories, which are usually manifested in the character of developed and developing democracies, the one that is most relevant to the situation in developing democracies is that

which extols the need for their institutional foundation. In this regard, Torcal and Mainwaring's Institutional Theory can best capture the dilemmas of political parties in Nigeria. The condition of political parties today reflects internal weaknesses, which are exhibited in their conduct. More often than not, associated contradictions, such as failure to conscientiously abide by the rules of the game, their vulnerability to operate under the grip of "money bags" and proclivity to use political thugs to perpetuate political violence, are clear expressions of their goals and predisposition. Others are internal conflicts without resort to an effective conflict resolution process, which also makes members nurse grudges and defect to the other political parties, etc. On the whole, the internal organisation of political parties and the political ambition of their members have invariably generated conditions for political violence. The end result of all these inadequacies is the rise of political intolerance, cut-throat competition for power and political violence.

CHAPTER EIGHTEEN

Defections from Political Parties and the Future of Nigeria's Democracy [1]

Introduction

Political party defection, also referred to as 'cross-carpeting', 'party switching', 'decamping', 'floor crossing', 'party hopping', 'party jumping', 'canoe-jumping', 'jumping ship', 'political twist and turns', 'political party cross over', or to use Ikechukwu's (2015) description, 'political nomadism', is not a phenomenon peculiar to Nigeria only. However, the question to ask in the case of Nigeria is whether it is a political drama or a carnival yearly observed or seasonally experienced ahead of general elections. A telescopic view of Nigeria's politics since 1999 would come to mind when this question is asked, particularly against the background of the political party defections that have presently permeated the political scene of the country. The style and number of politicians involved and the rising spate of the phenomenon of defection portend serious danger to the process of nurturing enduring democracy through political opposition. Defection has become a recurrent decimal in Nigerian politics and has become a common political ritual at a time when the electoral circle begins or in the build-up to the general election.

The defection galore has continued and many more are expected largely because of the fragility of political parties, which is profoundly exposed as party primaries draw nearer. Therefore, the obvious questions to raise and answer in this chapter are manifold.

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First, there is the need to find out the causes and the legality of the phenomenon of defection in a democracy. The question to ask here is: What are the factors responsible for defection and does the phenomenon fall under the rules of democracy? Second, there is the need to know the patterns of defection in Nigeria. This concern leads us to ask this question: Is defection a peculiar phenomenon to the Fourth Republic in Nigeria? Third, what problems does defection pose to democracy in Nigeria?

In order to answer these questions, therefore, the chapter is divided into five sections. Section one is the introduction while Section Two explores the various causes of political party defection in Nigeria with particular focus on its legality. Section Three provides a brief understanding of defection from a historical perspective in Nigeria and its nature and rising profile in the current political process. Section Four examines the challenges of defection to building a prosperous and sustainable democratic practice in Nigeria. Finally, Section Five concludes the chapter.

Political Party Defection – In Search of a Theoretical Explanation

Perceptively, a political party is an association of like-minded individuals, who agree to form a political organisation with the sole aim of capturing power to translate its ideas and programmes into policy making. Though political parties contest elections in order to control power, their roles are not essentially to compete for power but also to train, mobilise and educate the society (Mohammed, 2017). Other functions are aggregating public opinion, transmitting public demands, recruiting political leaders, engaging in oversight functions in the implementation of public policies and sensitising the general public on public issues that require policy intervention.

In societies where the focal point of politicians is self-enrichment and politics is seen as competition for power by the political elite whose political centrepiece goal is to remain in power by hook or by crook, the coveted functions of political parties are often relegated to the background. Personal egos, altruistic motives and self-

centredness are the bedrock of politics in polarised political parties with no ideology and mechanisms of party discipline and loyalty. Therefore, political party defection, defined as the movement of a party member from his party to the other, has become a survival strategy. It is an existential action motivated by an insatiable quest for power, influence, wealth and fame. These motives are embedded in the minds of the Nigerian political class and are, in most cases, absent in the minds of those in other developed democracies. This suggests that the political system and culture in a society determine the contexts, nature and rate of political party defections.

Thus, in Nigeria, the causes of political party defection can be understood within the context of a tripod of factors (Ikechukwu, 2015). These are a) constitutional or legal inadequacies b) irresponsible ruling class and; c) absence of internal democracy. Actually, for one to understand the role of these factors in providing an amenable condition for a political party member to move from one political party to the other, it is pertinent to ask why such movements are frequent and mostly experienced with the advent of general elections in Nigeria.

Answering the question above scientifically requires learning from Mainwaring and Torcal's (2005) thesis on political parties and their levels of institutionalisation in developed and less-developed democracies. It is also important at the outset to note that within the context of Nigeria's toddling democracy and murky waters of party politics, political party defection can be classified into two: the progressive and the retrogressive. If defection is informed by or reflects an ideological leaning, it can therefore be considered as progressive. On the contrary, defection that is not instigated by any ideological drive but is highly informed by a narrow individual or group political interest is called retrogressive. Such movement from one political party to another is retrogressive to democracy and the process of nurturing a viable democratic culture. It is this type of decamping that falls within Mainwaring and Torcal's (2005) theoretical foundation of political parties.

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Central to their theoretical propositions is that party systems in developing democracies are less institutionalised than those of the industrial advanced societies. This explains why parties with low degrees of institutionalisation in the Third Wave of democracies are "fluid" or weakly institutionalised. They manifest some attributes that are inimical to engendering robust party politics with a promising appeal to nurture political values. In this type of systems, party competition functions in less institutionalised contexts, thereby manifesting political tendencies, such as high levels of political party polarisation, control of party by ambitious leaders, lack of internal democracy, intra-party conflict and party defection.

Therefore, for us to understand the predicament that befalls party politics in Nigeria, largely because of its less institutionalised form, it is important to examine the four dimensions articulated by Mainwaring and Torcal (2005). First, more institutionalised systems enjoy considerable stability. Second, in the same system, political parties have strong roots in society and voters, as expected, have strong attachments to parties than individual candidates. Third, political actors accord legitimacy to parties in more institutionalised systems than in the reverse. Fourth, more institutionalised systems engender loyalty to political parties because party organisations are not subordinated to the interests of a few parasitic and overtly ambitious leaders. In fact, political parties in more institutionalised systems are not personal instruments of a small clique of party stalwarts, "god fathers' or "money bags" to create room for internal squabbles that have the potential of making their members aggrieved and finally compel them to defect to other parties.

The Trends and Dynamics of Political Party Defection in Nigeria
The history of competitive party politics in the country started during the period of colonial rule when the nationalists formed political associations to fight for independence (Sklar 1963). The phenomenon started from the formation of the People's Union (PU) in 1908 to the formation of the first political party in Nigeria, the Nigerian National Democratic Party (NNDP) in 1923, the Lagos Youth Movement (LYM) in the mid-1930s and of three major political parties in the early 1950s (the National Council of Nigeria

and Cameroon and later, the National Council of Nigerian Citizens, 1954; the Action Group, AG in 1948; and the Northern People's Congress, NPC in 1951). Such parties had their roots from tribal, ethnic, regional or fraternal-based civic associations (Saka and Ifejika, 2017).

The fact that the early political parties in Nigeria were rooted in civil society suggests that they were able to develop internal mechanisms, such as party discipline, loyalty and a value system, which the contemporary political parties are far from evolving. However, this is not to suggest that the post-independence political parties in Nigeria were immune from internal conflicts and defections by their members. After all, the practice of party switching is as old as Nigerian politics and has dotted the country's experiment with representative democracy (Mba, 2011, Jiddere, 2017). The early experience of political party defections in the country were mainly based on personal principles and ideological differences, even though sometimes such defections were informed by political expediency and the desire to control power. One of the clear cases of defection on the basis of ideological difference was the one made by Malam Aminu Kano in the 1950s. He was formerly in the Northern People's Congress (NPC), as one of its founding fathers, but later he broke away to form the Northern Elements Progressives Union (NEPU). Malam's action was against his former party's objectives, which he saw as a stumbling block to his fight against feudal oppression and conservatism (Sklar, 1963).

Political party defections reached their peak with the erosion of party ideology and the monetisation of the political process in the face of corresponding manifestation of the weakness of democratic institutions of which political parties occupy a front seat. In 1951, several members of the defunct National Council of Nigeria and Cameroon (NCNC), motivated by the desire to deny the leader of the party, Dr. Nnamdi Azikiwe, the majority in the Western Region's House of Assembly members, a movement spearheaded by Adisa Akinloye, defected to the Action Group (AG). This enabled the latter to form the government in the Western Region. Similarly, the Premier of the same Western Region, Chief Ladoke Akintola,

left the then Action Group to form the United Nigeria Democratic Party (UNDP), following an insidious crisis that was rooted in a personality clash between the leader of the AG and Premier in the Region, Chief Awolowo.

Thus, whereas one can argue that political party defection is an old political tendency in Nigeria, there was a paucity of its occurrence in the First Republic. Where it happened, it was mainly prompted by either the belief in one's ideological principles or essentially stimulated by the ethnic factor and political idiosyncrasies in the then prevailing Nigerian political situation (Opadere and Agbana, 2015).

The latter was adduced to the context of prominent politicians decamping from the NCNC to AG. It also partly explains Akintola's action when he advanced the argument that his personal principles and conviction to advance the Yoruba in Nigeria's mainstream politics were the major consideration in the formation of the UNDP and, eventually, the party's alliance with the NPC (Mba, 2011). The action was also reminiscent of what happened in 1959, when Chief Akintola and Awolowo, Dr. Nnamdi Azikiwe and Dr. Kinsley Mbadiwe's sour relationship was aggravated by ethnic feud, which led the latter to leave the NCNC and form a separate party, the Democratic Party of Nigeria Citizens (DPNC). In this way, ethnic politics and the quest for regional competition at the level of national politics shaped the character of political party defections in the Western Region. This is in sharp contrast to the condition that compelled Aminu Kano to leave NPC and join NEPU. In all, the contest of politics and the nature of the political divide as well as where it gravitated essentially informed the type of defection members of political parties could make in the First Republic.

In the Second Republic, many politicians from opposition parties defected to the ruling National Party of Nigeria (NPN), a party that was essentially composed of the movers and shakers of Nigerian politics of the day and whose control of power had made the opposition parties increasingly weak. It was the overriding goal of

the NPN to keep hold to power and to clandestinely support willing opposition party members to defect to it. Thus, Akin Omoboriowo, the then Deputy Governor of the old Ondo State under the platform of the Unity Party of Nigeria's (UPN) led-government of Michael Ajasin, defected and joined the National Party of Nigeria (NPN) to become its gubernatorial candidate. In another prominent defection, Alhaji Abubakar Rimi, who was elected the first executive governor of Kano State under the platform of the People's Redemption Party (PRP), fell apart with the leader of his party, Malam Aminu Kano, and joined, alongside his teeming supporters, the Nigeria People's Party (NPP) and sought for re-election in 1983. In some cases, a party leader whose space of political ambition is considerably narrowed would find solace in a new party of his creation. This was the experience of Waziri Ibrahim, formerly a member of the NPP, who eventually defected and formed the Great Nigeria's Peoples' Party (GNPP).

It is important to note that there was, in a sense, some form of sanity in the way politicians defected to other parties in the First and Second Republics. The situation was reinforced by the fact that, in most cases, party supporters were those who financed the activities of their parties and not a few ambitious leaders. Sympathisers, even from the least expected, contributed money to finance the political parties because of their belief in their principal objectives and relative ideological standpoints, even if the objectives were essentially focused on their regional empowerment. The domination of an individual or the existence of a clique within a party was regarded as a political aberration and party officials were respected for their enormous sacrifice. Both party leaders and supporters were committed to sacrificing their energies, resources and time for a cause they all believed in and collectively pursued.

In the Second Republic, when the NPN dominated the political scene and wrested power at the centre and in many states to the point of marginalising other parties, political defection from the opposition to the ruling party was never a political jamboree, as is the experience of party politics today. Opposition members of the Assembly were steadfast, focused and determined to resist the

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advances of the ruling party in the majority. In either case, incessant party defections reflect the nature of the motive of political competition in post-colonial societies, where bourgeoisies "engaged in protracted struggle and competition to subdue one another", and, therefore, "defect from one political party to another where they feel their interests would be better protected and realised" (Jiddere, 2017:181).

Furthermore, since the return to civilian rule in 1999 and for some time under the successive transitions to civilian rule under military regimes, the political parties that were formed did not have internal party cohesion, as were the parties in the First Republic. The gap between political parties and the society in which they operate has, over the years, widened. Similarly, in a situation where a political party is bereft of ideology, it is the political or selfish interests of its members which eventually shape its direction. Where a party falls under the control of a malevolent leader, its internal organisational mechanisms are tele-guided mischievously to the point of negating the evolution of an enduring process of internal democracy.

Created under the military transition to civilian rule, political parties in the Nigeria's Second, Third and Fourth Republics came into being haphazardly and epileptically developed and, in some cases, spontaneously, to meet the requirements of registration. They were not developed professionally via effective bureaucracy to manage their operations because they evolved quickly without navigating through a series of permutations before reaching their period of germination. The parties were mainly founded by political elites, who rarely traced their roots in their wards but claimed a solid foundation at the grassroots. Structurally, such parties were essentially organised on the basis of loyalty to their key founders, who arrogated to themselves the capacity to determine who to contest for which office. In contrast with party loyalty, membership loyalty to a political party financier endangers internal democracy and creates room for internal factions, particularly in a situation whereby grievances cut across group interests.

In some cases, the fragility of political parties is manifested in existential crisis that is largely the result of the gradual erosion of relevance and the need to avoid sliding to slumber. To this end, a weak and less institutionalised party enters into alliance with another political party, which, on the surface, seems a relatively stronger party, but is in reality internally weak and polarised, to keep them alive in the political process. Worse still, with the current number of political parties totalling 68, it becomes apparent that a situation of crisis of relevance would compound the already weakly institutionalised political parties and eventually force them to ally with the most visible and active, but equally institutionally weak and polarised, political parties. If anything, the existence of weak political parties breeds undemocratic practices capable of instigating internal bickering, factions and the eventual defection of members at the slightest provocation. As Awofeso and Irabor (2016:35) succinctly observe:

> These anti-democratic activities, coupled with the exigencies in the formation of parties in the return to democratic rule in 1999 [sic] - a product of military fiat, gave birth to indiscipline and gangsterism in politics. Thus, with the problems that accompanied the earlier periods, Fourth Republic political parties seem to be bereft of party discipline and ideology.

Furthermore, Nikolenyi (2016) has pointed out that party switching rates differ from one country to another, depending on whether it is operating a close-list propositional system or the first-past-the-post electoral system. In contrast, one would argue that in Nigeria, the extent to which internal democracy thrives to foreclose the possibility of internal polarisation within a political party essentially determines the rate of party defection. Although to date there is no empirical study which determines the rate at which party members change party affiliations, particularly in the build-up to the 2015 general elections, intra-party squabbles partly contributed to the loss of power by the then ruling People's Democratic Party (PDP).

This was compounded by what Opadere and Agbana (2015) call lack of "ideological consistency" on the part of the Nigerian

political class, which was manifested by a series of defections from the ruling party to the All People's Congress (APC), a new party that was formed barely two years before the 2015 general election.

It should be emphasised that political party defections in the Fourth Republic were on the increase at various phases of the electoral process but the trend was essentially more pronounced with the approach of elections. The most easily pronounced of such actions was the defection of the former Vice President, Atiku Abubakar, from the PDP to the Action Congress in 2007 purportedly to contest that year's presidential election. Since then, he has been on the move, defecting back to the PDP and later to the APC and then back again to the PDP in December 2017. Worthy to note about the pattern of defection in Nigerian politics is the fact that it knows no bounds, as all the political parties had had their share in the phenomenon, with the ruling party swallowing much of its bitter pill, particularly in the build-up to the 2015 general elections.

On this note, the much celebrated case of party defection is that of Governor Olusegun Mimiko from the Labour Party (LP), the party on whose platform he contested and won elections in Ondo State in 2009 and 2012, respectively. The same is the case of the former Anambra State Governor, Dr. Peter Obi, who was elected twice on the platform of the United Progressive Grand Alliance (UPGA), but only to defect to the PDP in 2015. Before then, the former Mminister and a powerful member of the ruling party, Labaran Maku, defected to APGA. On his part, Muhammadu Buhari had passed through various political party metamorphoses, from contesting in 2003 and 2007 on the platform of the All Nigeria Peoples Party (ANPP), to contesting for the same office on the platform of the now-defunct Congress for Progressive Change (CPC).

What later came to be seen as a twist of fate for the opposition parties, Muhammadu Buhari's bid to become the president of the county came with the formation of the All Progressives Congress (APC) in February 2013. The formation came through the merger of four political parties (CPC, AC, ANPP and a faction of APGA). The registration of the party at the time when the ruling PDP was passing

through unbearable internal polarisation can be regarded as a watershed in the Nigerian politics, for the situation opened up another avalanche of massive defections across parties, with the ruling party badly hit as a result.

The party's major political gladiators fragmented and eventually defected to the APC. The formation of the splinter group in 2013, which called its faction the New PDP, was the last stroke that broke the camel's back because it invariably led to the biggest defection ever in Nigeria's political history. In one fell swoop, the governors and members of House of Representatives on the platform of the ruling party defected en masse. These included Governor Aliyu Wamako of Sokoto State, Governor Rabiu Musa Kwankwaso of Kano State, Governor Rotimi Amaechi of Rivers State, Governor Abdulfattah Ahmed of Kwara State and the bulk of public officers, who eventually became the leaders and members of the 8th National Assembly (Awofeso and Irabor, 2016).

The PDP's failure to promote internal democracy in the face of the disqualification of many aspirants seeking office into the party at its national convention led to the loss of members that tore apart its very existence as the ruling party for sixteen years. More specifically, what the pattern of Nigeria's party politics since 1999 demonstrated to us is how a clientelistic and an overly hijacked party by a few led to its dismemberment. The situation came at a time when citizens were fervently clamouring for change. Politicians were quick to capitalise on that to the point of creating a political merger of the opposition political parties as a marriage of convenience to clinch victory. Apparently, the current trend in the organisation of political parties in the aftermath of the 2015 elections does not make much of a difference from the past scenario. A cursory examination of defections between 2017 and 2018 alone, a period that can be regarded as the defection season of the 2019 general elections, reveals a staggering picture of the weakness of political parties as democratic institutions. It also exposes the weakness of party members as team players in deepening political values in the country.

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In July 2017, over 500 APC members defected to the PDP in Ughelli South Local Government Area of Delta State (*Punch*, July 30, 2017). The much-celebrated case of defection wrapped up the year when the former Vice President, Atiku Abubakar, decamped to the APC. Many more defections were experienced in 2017. This heralded avalanche of political party defectors at the local government and the state levels, as well as on the floor of the National Assembly. In January 2018, the Chairman of Odi Community in Kolokima/Opokuma Local Government Council in Bayelsa State a long with 7,000 members defected from the APC to the PDP (*Daily Post*, January 5, 2018). In the same state, Valentine's Day was not spared, as over 6, 000 APC members decamped to the PDP on February 13, 2018 (*Daily Post*, March 7, 2018). In Adamawa State, Ahmed Gulak with 42,000 others across 21 Local Government areas of the state defected to the APC in February 2018 (*Daily Nigeria,* February 17, 2018).

Although one political party might have exaggerated the number of defectors it recorded in a single defection in order to ostensibly upset the other party, however, the frequency with which party members defect massively in Nigeria today suggests that the country is among the highest, if not the most frequently cited cases, of political party defection in Africa.

The 2019 Pre- and Post-election Defection Tale
If political defection is a serious political cancer that affects the central nervous system of Nigeria's body politic with renewed vigour, its carcinogenic substance has eaten deeply beyond imagination in the build-up to every circle of general elections. Like the experience of the PDP before the 2015 general elections, the two leading parties suffered massive defections in the build-up to the 2019 general elections. This is indicative of weak institutionalisation and erosion of internal conflict resolution mechanisms in handling cases of intra-party squabbles. True to type, those politicians who hitherto defected from the PDP to the APC later somersaulted back from the latter to the former *en masse* and vice versa.

Expectedly, with the establishment of a coalition of political parties under the platform of the Coalition of United Political Parties (CUPP) shortly after the national convention of the APC on July 9, 2018, comprising 38 registered political parties, with the PDP as the biggest partner, this created a window of opportunity for aggrieved members of the PDP and the APC to look out for political alliances and defections. Beyond the coalition, the lingering acrimonious relationship within the APC engendered a gale of defections from the party, particularly after the party's national convention, which saw the emergence of Comrade Adams Oshiomohle as its new Chairman (*The Politico*, 2018).

Compounded by the internal politics of the APC in some states, the defections of prominent politicians from the party to the PDP were recorded in the build-up to the 2019 elections. Within a space of a week during a plenary session, 15 Senators of the APC, though two out of this number later recanted, defected to the PDP on the floor of the Senate and 37 members of the House of Representatives followed suit. Later, Governors Samuel Ortom and Aminu Waziri Tambuwal of Benue and Sokoto states defected from the APC to the PDP. Before then, Alhaji Kawu Baraje, Bolaji Abdullahi, Alhaji Atiku Abubakar and much later, the President of the Senate, Bukola Saraki, and Senator Rabiu Musa Kwankwaso had joined the bandwagon of defectors to the PDP. Then came Senator Shehu Sani's defection to the People's Redemption Party (PRP), following his prolonged political logjam with the Governor Mallam Nasir El-Rufa'i.

It is important to note that defection by the chief executives of states or high-profile politicians is never done as a solo affair. It is accompanied by a trail of followers, who defect for political expediency and to wherever the pay-off wind blows. For example, a handful of the lawmakers and 13 council chairmen in the Benue State House of Assembly defected to the PDP along with the Governor Ortom. In Adamawa State, an ally of Atiku Abubakar serving as commissioner in the cabinet of Governor Jibril Bindow dumped the APC to put weight on Atiku, their political 'godfather' (*The Politico,* 2018). Already, Abdul'azeez Nyako and his father,

Murtala Nyako, had defected from the APC to the African Democratic Congress (ADC).

In some states, APC's loss became PDP's gain and vice versa largely because of political incompatibilities with major political playmakers. Kano State is a clear case of this scenario. The defection of Senator Rabiu Kwankwaso prompted the former Governor of the state and a Minister of Education under President Goodluck Jonathan, Malam Ibrahim Shekarau, to defect to the APC. The same was the case when Governor Abdulfatah Ahmed of Kwara State left the APC for the PDP following the defection of his political 'godfather' Senator Bukola Saraki to the PDP.

To say the least, as political permutations after the conduct of the 2019 political party primaries up to the month of the presidential and gubernatorial electioneering campaigns gathered momentum, so was the spate of defection. In Kano, the deputy governor of the state, Prof. Hafiz Abubakar, left the APC to join his political mentor, Senator Rabiu Musa Kwankwaso, in the PDP, but after he lost the favour of becoming the gubernatorial flagbearer of the party he defected to the PRP and later defected again back to the APC. In Niger State, the former deputy governor of the state, Ahmed Ibeto, defected to the PDP after he lost his ambition to contest the gubernatorial election in 2019 to the incumbent state Governor.

In short, the rate of political party defection during electioneering campaigns clearly shows that Nigerian politics lacks politicians with constructive political ideology to navigate its troubled waters. In some cases, halfway into the campaign process or a week to the general elections, a series of defections   were recorded. This was the case when the Director General of the PDP campaign council in Gombe State, Ahaji Bala Bello Tinka, defected to the APC barely two weeks to the 2019 presidential elections due to what he called "irreconcilable differences" with the stakeholders of the party (*Daily Trust*, February 1, 2019). In Kano State, barely five days to the governorship and State Assembly elections, the Mas'ud Doguwa factional state executives of the PDP defected to the ruling APC.

Among the defectors were former Speaker of the House of Representatives, Salisu Buhari; the former member of the House of Representatives Ahmed Salik; the former Chairman of Nassarawa Local Government Council, Surajo Marshall; and Yahaya Bagobiri, among others. The latest decampees had been having a running battle with the Senator Rabiu Musa Kwankwaso-led faction of the PDP since the defection of the latter from the APC to the PDP in 2018 (*Solace*, March 4, 2019).

Kano's scenario also resonated in Yobe State after the 2019 presidential elections, which saw the victory of President Muhammdu Buhari at the polls. There, in what can be regarded as better late than never, the APC received a sizeable number of defectors from the PDP, including a governorship aspirant, Ibrahim Talba, and his supporters. In Fika, the Chairman of the local government decamped from the PDP to the APC with a large number of supporters (*Daily Trust*, Friday March 8, 2019:14). In Lagos, it was the turn of Fuji artist, Abass Obesere, and 699 PDP, Democratic Party of Nigeria (DPN) Action Democratic Party (ADP) members to defect to the APC (*Solace*, March 5, 2019).

The aftermath of the 2019 general elections was not spared of political party defection. This is another trend in the Nigeria's defection carnival. Those who lost power in the 2019 general elections or their political fortunes were dashed as a result of the victory of the party it contended power with, at both national and state levels, finally joined the victorious party. Thus, in what can be regarded as a political somersault, the deputy chairman of the PDP Presidential Campaign Council in the 2019 polls, Otunba Gbenga Daniel (and his loyalists), defected to the APC after he resigned his position on March 14, 2019, barely a month after the presidential election. This is to suggest that in a situation whereby any politicians crossed parties, to use the word of a columnist (Doris, 2019): "zigzagging like crabs", party politics in Nigeria has become, to many politicians, speculative and highly influenced by existential motives.

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In a similar vein, barely a week after he lost election to the Senate in the 2019 elections, the Senate leader, Bukola Saraki, lost over 2000 members of his party (the PDP) to the APC in Kwara State. In Ilorin alone, the political hub of the Senate leader, over 500 PDP members from Asa local government Area joined the APC (*Daily Trust*, Monday March 4, 2019:13). The same scenario is playing out today ahead of the 2023 elections. As at February 2021, the following PDP party stalwalts decamped to the APC: former Speaker of the House of Representatives, Yakubu Dogara; former national chairman of the PDP, Barnabas Gemade and Ebonyi State Governor, David Umahi. Others are former Head of Service of the Federation, Mr. Danladi Kifasi; National Assembly Chief Whip, Jimoh Ibrahim; Senator Isa Hamma Misau; Alhaji Salisu Takai; and Senator Elisha Abbo.

The causes of defections in Nigeria are not far-fetched from the preceding analysis. They include, in summary, the inability of some party members to secure nominations during their own party nomination, real or imaginary disillusionment arising from the denial of a level playing ground for members, the formation of a splinter unit of a party, the absence of internal democracy, lack of ideology and high levels of desperation of politicians in pursing an elective position. But at the heart of the problem is the fear of losing political hegemony or material benefis and the absence of an acceptable conflict resolution process to address grievances justifiably.

Legal Precepts and Decamping in other Democracies and Nigeria

Political party defection or party switching is a universal phenomenon in multi-party systems of democracy. It occurs in developed and developing democracies (Averchuk, 2016; Opadere and Agbana, 2015), but it is more frequent and highly informed by dubiously-motivated political impulse as well as an irrational and insatiable quest for power in most parts of the Third Wave of democracies. However, in some societies, such as Britain, Canada, USA and Australia, party defections are not a detested practice and, therefore, they are regarded as non-issue in the political process (Malhotra, in Janda, 2009). In the United States, political party

defection between the Republican Party and the Democratic Party is no longer a new experience. Furthermore, a study identified 20 members serving in the House and Senate from 1947 -1994 who defected while in office 16 of whom defected from the Democratic to the Republican Party (Janda, 2009).

In some other countries, party defections are seen as negative actions that affect democratic gains. This explains why the practice is regarded as a big challenge to democracy. As such proper legislations needs to be made to contain it. In fact, as of 2011, 40 countries had laws that prohibited party defection (Averchuk, 2016). In the Russian Federation, party defection is considered illegal in the Duma (Russian Parliament). However, party merging is not. Other countries such as Ukraine, New Zealand, India, Belize, Namibia, Nepal, Seychelles, Sierra Leone, Zimbabwe and Nigeria, among others, are countries with anti-defection laws (Janda, 2009:3).

It is important to situate attempts to prohibit party defections as a normal practice. They are not a direct manifestation of undemocratic or authoritarian tendencies of a state. Rather, the import of the provisions represents state intervention to solve the problem of too frequent and ill-motivated cases of defections that weaken opposition parties and the excessive concentration of power (Averchuk, 2016). Nevertheless, experience has shown that the anti-defection laws of most countries hardly overcome defections. In New Zealand, the law was introduced in 2001, but it failed to contain the defections (Miskin, 2003). Also, India enacted anti-defection laws in 1973, 1985, and 2003, but defections have persisted and by Malhotra's assessment, it "required comprehensive legislation to make the law effective" (Cited in Janda, 2009:2). The same can be said in the case of Nigeria and its anti-defection law, particularly in respect of elected Senators, members of the House of Representatives or state legislators, where Article 68 (1) (g) of the Constitution of the Federal Republic provides that:

> Being a person whose election to the House was sponsored by a political party, he becomes a member of another political party before the expiration of the period for which that House was

elected provided that his membership of the latter political party is not as a result of a division in the political party or which he was previously a member or of a merger of two or more political parties by one which he was previously sponsored.

Clearly, this Article and indeed Article (2) and 109 (g) (2) have been exploited for expediency by legislators to defect from their political party to another. Similarly, section 68 (1) of the Constitution cited above guarantees the right to decamp in the event of factions or crisis. Unlike the India's law of 2003, which provides that a person can be disqualified from serving in parliament for "voluntarily giving up membership of his original party" (Cited in Janda, 2009:2), Nigeria's anti-defection regulations do not clearly stipulate a penalty. Instead, it makes disqualification impossible and indirectly condones defections by making the law very hazy.

Section 77 of the Constitution clearly states "a person shall only be qualified for election into the office of the governor of the state if he is a member of a political party and sponsored by a political party". The law is not a penalty but rather a statement of the obvious. This is to suggest that the provisions of the anti-defection regulations in Nigeria do not help matters in addressing such a serious problem that retards the development of democracy in the country. The legal interpretations of these provisions entail technicalities of the law, which makes it easier for defecting Governors to go scot-free. A clear case in point was the defection of Zamfara State Governor, Alhaji Aliyu Shinkafi, and his deputy to the PDP in 2007. His former party in the state, the ANPP, challenged the action in court but without success. The landmark judgement delivered by the High Court in the state dismissed the case and declared that the defections did not contravene the provision of the 1999 Constitution.

Thus, it can be safely argued that legal provisions on defection in Nigeria try to strike a balance between the democratic rights of party members to belong to political parties of their choice and the undemocratic implications, if at all they will be made enforceable. The outcome of this dilemma has abetted the problem of frequent defections in the country instead of it to solve it. The vagueness of

the law on party defection is, therefore, the biggest problem. In particular, there is no clear definition as to what exactly constitutes a division within a party to warrant the full enforcement of the relevant provisions of the Constitution.

Political Party Defection and its Implications on the Democracy Project in Nigeria

Generally, a democratic project is a comprehensive design, which requires the input of various democratic institutions, particularly those institutions that are conventionally referred to as the institutions of horizontal accountability. Political parties, in any democratic system, are archetypical of the enabling institutions that are expected to cultivate democratic norms and socialisation. Therefore, following Mainwaring and Torcal, it can be hypothesised that the less institutionalised political parties get disposed, the higher the electoral volatility. The latter is defined as "the aggregate turnover from one party to others, from one election to the next" (Mainwaring and Torcal, 2005:6). The effects of the aggregate turnover from one party to another, which has now become a recurrent decimal in Nigerian politics, are manifold.

First, one can conclude that the phenomenon of party defections is an erosion of the values of principled opposition. Political parties in the country are basically the same, speak the same language in their electioneering campaigns and portray no ideological stand on even the most obvious of promoting the welfare of the citizens. Frequent defections, as experienced in the Nigerian context, are likely to relegate the opposition to the background and further increase the possibly of a democratic reversal.

Second, political party defections could lead to voter apathy and loss of confidence in candidates and in the electoral process itself. Decamping from one political party to another takes away the mandate of the electorate and casts doubt about the enthronement of moral principles in competition for power.

Third, party defections could lead to the erosion of democratic values. This could possibly manifest in dictatorship and bad governance. This explains why defection to the ruling party by corrupt politicians becomes a sanctuary for unscrupulous individuals, who short-change the country only to be accepted in grand style by the new party they defect to.

Fourth, incessant party defections signify the failure of dispute resolution mechanisms in the scheme of political party organisation. Logically, for a party that cannot resolve its internal crisis through consensus building, accommodation and internal democracy succeeds in managing societal conflicts arising from socio-economic challenges.

Fifth, party defections by executives short-change the mandate of the electorate, while those of legislators represent a mockery of their rights to representation based on the party of their choice. Unless legalised with some caveats, party defections without the consent of electoral constituencies are impositions on the freedom of choice.

Political Party Defections and Reflections on the Future of Nigeria's Democracy Project

Evidences from other countries and the available scholarly literature on political party defections around the world's famous democracies neither portray defection as a problem to democracy nor devised any anti-defection regulations. Thus, regulations that prevent defections are not anti-democratic but a means of control from sliding into a dictatorship of the majority against the minority or vice versa. It can be said that Nigeria requires unambiguous provisions in its Constitution and an enabling electoral laws that can prevent frequent and selfish-centred defections. This viewpoint stems from the fact that defection is a negative political culture, even if it is a non-issue of concern to developed democracies. It should not be encouraged in Nigeria's fledgling democracy. Scrapping a section of the Constitution or amending it is a constitutional matter, which can be addressed by the National Assembly. Therefore, in respect to the members of the legislature, section 68 (1) (b) of the Constitution of

the Federal Republic of Nigeria (1999) should be scrapped or amended by inserting a caveat, which will require legislators to obtain a court order recognising the division before dumping their parties. Also, the provisions of section 68 and 69 of the Constitution should be amended to be applicable to all persons elected into public office on the platform of a political party.

There are numerous challenges in the architecture of political parties in Nigeria that are not constitutional but emerge from the very political culture of the political class. In practice, the daunting challenges of political parties, as we could decipher from our analysis, are systemic, institutional, attitudinal and organisational. Overcoming these lapses require a solid foundation with full-fledged internal mechanisms of managing party affairs independently and democratically. Party bureaucracy has to be empowered to manage party affairs without let or hindrance from 'party entrepreneurs', who use political party structures as their private business undertakings. A situation whereby a chief executive of a state happens to be the one who determines who is to contest for certain party positions or to aspire to public offices does not augur well in creating a consensus-driven and harmonious party membership.

Similarly, the politics of *godfatherism* defies the principle of political merit and the credentials required of candidates. It also negates the principle of training public officers through grassroots political development, experience-based knowledge in politics and the democratic rights of the electorate to select leaders of their choice. Therefore, the selfish political interest of party members needs to be checkmated through making them pay allegiance to party bureaucracy.

Other measures to adopt include: the respect of the sanctity of the enabling laws that govern party politics and the utilisation of these laws most effectively to monitor compliance in the conduct and practices of political parties. The practice of rule of law is required where infringements are made to regulations on party defections and others that guide the actions of competitive electoral politics.

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Politics of principles needs to be re-invigorated, institutionalised and entrenched in party activities and in the conduct of party members and those of their supporters. In a situation whereby party politics is monetised, the political society cannot escape from the scares of incessant intra-party conflict, political violence, hate speech and the 'do-or-die' approach to competition for power. In any case, political defection is a means to an end not an end in itself. This last point explains why the influx of defectors into another party further compounds crises in the targeted party rather than mitigating them.

In all, the future of the Nigerian democracy project will be bright once the principles of competitive politics and electoral laws are adhered to. Political defections are symptoms of the weakness of political parties in the country. High levels of the institutionalisation of parties take a longer period to realise but certainly it is better late than never to begin to adopt pragmatic steps in meeting the collective aspirations of the country's democracy project.

Conclusion

Nigeria's democratic process has so far endured seventeen years not because of the existence of viable political parties but due to the collective resolve of Nigerians to support the process despite all odds. Being the strongest democratic political institutions, political parties are expected to be internally democratic in both their practices and the conduct of their members in order to enable democracy to flourish. On the contrary, their character in Nigeria today reflects lack of cohesion and lack of member loyalty. The dominant trend in party politics today is that political parties are class-driven and used opportunistically by their members to wield power and amass wealth.

Put differently, the political parties of today are mega-business clubs of like-minded political entrepreneurs, who believe in wresting power, by hook or crook, largely because they are deeply embedded in suffering from the paralysis of ideology. Their viability is determined by the electoral cycle mostly during the electioneering campaigns; their survival depends to a greater extent on whether or

not power is under their control. They mobilise a little and expect more votes from the electorate; they empower no one but always arrogate to themselves successes in political empowerment; they are in limbo when expectations of 'democratic' dividends are high; they are highly divisive and less cohesive to respect party constitution; they are mainly a one-man show controlled and directed by the chief executives of states or any highest bidder from the party stalwarts; they are bereft of party discipline and show little regard, if any, to party bureaucracy. In such organisations, political loyalty to party bureaucracy, as it is known with political parties elsewhere, is absent, while internal cracks and lingering feuds have become their recurrent decimal.

Therefore, as Nigeria builds up to future elections, there is the need of promoting internal democracy, respect of the rule of law and political tolerance. Political parties have a pivotal role to play in the institutionalisation of democratic values. They can forge ahead in exercising this role provided that their members can be guided by the rules of the competition for power. They should eschew the politics of "do-or-die" and fairly observe the rules of the game.

CHAPTER NINETEEN

Federalism and Inter-governmental Relations (IGR) in the United States of America: Lessons for Nigeria's Federal System in Post-military Rule[1]

Introduction

A harmonious working relationship among different institutions, at the administrative, the judicial, the congressional, the fiscal and state and at grassroot levels of government is one of the desirable aims of public establishments worldwide and the central goal of modern federal systems. Although the concept of federalism entails legal, constitutional, sociological and economic frameworks, in sum its central rationality presupposes that unity in diversity can be established and maintained when different constituent units recognise some form of shared rule and shared responsibility, which is aimed at bringing a modest type of a balanced union. Nowhere is this sort of relationship more clearly recognised than in federative systems of the United States of America, Switzerland and Canada.

In the first example, the importance of political partnership between the national government and other tiers of governments: the state and local, is well appreciated and contained in the practice of what is called inter-governmental Relations (IGR), which evolved over successive periods of time in the country. Similarly, although federalism in the U.S. has never been a set of static institutional arrangement largely due to the ever-expanding nature of demand management and system capability, the country's strict adherence to constitutionalism and the political process in the actual resolution of political, administrative, fiscal and juridical matters with sub-

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national governments is an important input in public administration and policy making.

This chapter examines the pattern of inter-governmental relations in the US. It highlights the attributes of these relations in the context of the principle of coordinate and interdependent powers of the country's levels of government. While recognising the fact that federalism is an ongoing process and an ever-changing system where a regular pattern in different societies can hardly be obtained, the chapter examines the peculiarities of the U.S. and Nigerian federal systems. It argues that in her quest for a stable and balanced federation, Nigeria stands to gain from the U.S. model and experience of inter-governmental relations at this phase of her continuing search for a stronger and viable polity nurtured on the platform of democracy.

Generally, IGR can be classified in different ways. Ferguson and McHenry (1981:179) have identified three classifications as the most important categories. These involve (i) vertical IGR - federal to state, state to local, federal to local, (ii) horizontal – State to state or local to local unit and, (iii) classification based on the objective of the relationship that IGR is meant to promote and establish: financial aid, information, contractual arrangement or other goals. Therefore, this chapter focuses on the first classification. It, however, recognises the fact that inter-governmental relations are carried out mainly on matters of financial support and contracts of mutual benefits between the centre and other constituent units. Hence, our examination of the pattern of these relations will surely overlap and consider some pertinent issues under other categories.

The chapter is divided into five sections. The first section is the introduction. The second provides a conceptual distinction between federalism and inter-governmental relations and shows why the latter is all inclusive and important to the understanding of effective system maintenance in the U.S. The origin and development of inter-governmental relations in the U.S. is examined in section three. Section four analyses the existing pattern of IGR in the context of

Nigeria's democratic process in the post-military period. Finally, section five concludes the chapter.

The Relationship between Federalism and Inter-governmental Relations

Federalism and inter-governmental relations are, in modern public administration parlance, concepts that are often used inter-changeably to denote a pattern of extended national, state and local government relations in a federal system of government. Their application in dealing with the political questions of societies suggests that the two are separate but interdependent (Walker, 1995). Federalism is a system of government in which powers are constitutionally shared among the different tiers of government and decisions by each tier of government are independently carried out (Riker, 1964). Principally, political diversity and the complex administrative networks that require routine action necessitate the desire for some form of federal union in which various tiers of government could harness resources for effective delivery to the people. At another level, federalism serves as a mechanism for the settlement of inter-governmental, societal and political conflicts. Thus, the principles of the devolution of powers and functions, shared responsibility and the effective handling of socio-economic and political demands help to support the idea of the federal arrangement. It is, therefore, expected that the idea of a federal carries with it the notion of inter-governmental relations. Though the term "inter-governmental relations" has no standardised or universal meaning (Wright, 1990), its major features distinguish it from a broader system of federal arrangement. As Walker notes:

> Federalism is cheaply a constitutional, legal, jurisdictional, power-political, and two-tier formal systemic concept, inter-governmental relations are more encompassing; multifaceted, more functional, fiscal, administrative… and more flexible and informal, though not lacking formal features (1995:22).

Walker (1995), like Elazer (1965), sees inter-governmental relations (IGR) in broader terms involving a simple or complex network of interaction based on partnership. This involves matters

of constitutional, representational, fiscal, administrative and juridical relationships between and among public officials at different levels of government. These relationships are more reciprocal, mutually interactional and beneficial and could either be formal or informal, private or public. Thus, broadly defined, Ferguson and McHenry see IGR or inter-governmental Cooperation (IGC) as "all forms of collaboration between units of government; more narrowly, it involves voluntary efforts on the part of two or more units of government to provide services or solve mutual problems" (1981:183). The major features of IGR include contracts for simple sharing, interdependent activities, grant-in-aid, and tax offsets, etc. Indeed, IGR "is tailored to fit each programme through the political process in which representatives of the federal, state, and local governments and concerned private interests all participate" (Elazer, 1965:10).

The Development of Inter-governmental Relations in the United States

The concept of inter-governmental relations, like federalism, is not a new phenomenon in American politics. It was coined in the 1930s but was not officially recognised until much later (Wright, 1965). What gave the term official recognition was the creation of the Commission on Inter-governmental Relations by the United States Congress in 1953, also known as the Kesnbaum Commission, named after its Chairman. Also, IGR received further boost in 1959 when the Congress created the Advisory Commission on Inter-governmental Relations (ACIR) to deal with the difficult aspects of these relationships.

While inter-governmental relations, like federalism, differ in form and content from one country to another, the socio-economic conditions of each country as well as the influence of political and class forces determine their viability (Khomenko and Kuliagina, 2003). The history of the United States cannot be told without appreciating the struggle waged by the indigenous elites in response to the British challenge to the political and economic freedom of Americans (Countryman, 1985). Due to the persistent struggles by American nationalists and the eventual declaration of independence

in 1776, the continuing search for a stable polity in the face of, ironically, elite contestation over the nature of a political arrangement that could best suit the newly emerging union of states had led to the amendments of American Constitution at different times. Before then, so many questions were raised and have generated debate prominent of which, as Boyd (1997) notes, are about the nature of the American Union and the powers, privileges, duties and responsibilities the Constitution grants to the central government and reserves to states and the people of the United states in general. These questions are very important in the determination of the powers, duties and responsibilities of different segments of the population and tiers of government, particularly as they contributed in their own ways in the making the so-called American Revolution. One of the important milestones of America's redefinition in the art of government and in the resolution of the powers and functions of the central government, on the one hand, and the constituent units, on the other, is the recognition of the importance of inter-governmental relations in the administrative ethics and political process of the country.

Since the adoption of the federal Constitution in 1789, the U.S. has been operating dual federalism. However, as a multi-layered society, the country's federal arrangement comprises the national government, the states and the smaller units. The laws of the federal government, like those of many federations, are meant to directly affect all the citizens of the country. Despite the powers of the federal government on different matters that affect national sovereignty and development, the states neither exist as mere administrative units nor are they dependent on the federal government on every matter. After all, states and local government policies are directly carried out and have the advantage of making a direct impact on local people and their daily lives.

Constitutionally, the roles of local governments have not been provided in the Constitution of the U.S. Their powers and functions are specified or permitted by state legislatures (Katz, 2000; Pious, 1986). The states, on the other hand, are constitutionally allowed to write their constitution and even establish their own judiciary or

come up with their own preferred laws based on their peculiarities and needs (Katz, 2003). If they so wish, states can accept a grant from the national government and agree with all the terms and conditions attached to it; however, they do not have to accept any if they feel otherwise (Ranney, 1996). For this reason, it becomes imperative for states to govern their municipalities according to their plans and programmes and also forge any kind of relations with any federating unit as they deem fit.

Given the nature of constitutional rights of every tier of government, it can be observed that in a complex political system such as America is where a network of development initiatives are aimed at transforming the quality of citizens' lives, inter-governmental relations can foster mutual support and assistance on terms agreeable to each partner involved. Although IGR is not a new phenomenon in the U.S., its recognition, despite opposition from popular views, had been made possible with the rapid expansion in the federal grant-in-aid and the spiral increase in federal projects to state in the 1930s.

Katz (1997) has identified two major developments in the development of IGR in the United States. First, the New Deal programmes of President Franklin Roosevelt, which was a programme for economic recovery following the Great Depression of 1929. It was a national policy characterised by new policies on social security, employment compensation, the federal welfare programme, etc. Following Roosevelt's efforts, the artificial distinction created between the national government and states in what is popularly and metaphorically called *layer-cake* federalism, defined as a period when "three levels of government working parallel to one another but rarely together" (Denhardt, 1999:77), was broken. As a result, cooperation among three tiers of government brings them together in dealing with a myriad of social and economic problems and brought about what is referred to as *marble-cake* federalism, in which federal grants, services-in-aid and other forms of assistance became the major characteristics of American federalism (Walker, 1995).

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Central to policy target of IGR has been the need to reduce not only administrative costs of project implementation but also address the problems that both the national and state government have a stake in. This is particularly guided by the principle of shared rule and shared responsibility. As Elazer succinctly notes:

> Governments operating in the same territory, serving the same people, generally sharing the same goal, and faced with the same demands could not maintain a posture of "dual federalism" (the separation of functions by levels of government) (1965:11).

In this sense, the development of IGR in the 20th century can be said to be a direct reaction to dual federalism, which has characterised the American political system since its foundation following the bargain invented at Philadelphia in 1787. This, in turn, reflects the changing pattern of influence as well as role relationships among the various units and within the country's political jurisdictions (Dwright, 1990).

The second period in the development of IGR was the period (the 1950s and the 1960s) of national governments' participation in promoting the rights of all citizens and in ensuring due process in states. In this period, the national government was seen as the principal promoter and defender of civil rights and liberties in matters such as state-supported racial segregation, discriminatory laws or regulations. Despite the fact that the system of IGR pursued by President Roosevelt ended under President Lyndon B, Johnson's Great Society, modernisation and the increased complexity of American administrative undertakings and their costs have made the system an enduring feature of the country's federal set up. The practice has endured till today, though in various forms and style.

Federalism and Inter-governmental Relations in Nigeria
Federalism in Nigeria is said to be a colonial experiment designed to administer, for economic reasons, a large territory amalgamated in 1914 for administrative convenience and the consolidation of foreign rule in a plural society (Tamuno, 1998). Thus, colonial expediency and the need to provide ''unity in diversity" in a geo-

political environment where different religious, cultural, tribal and political units with different historical antecedents and orientations are the main reasons that made Nigeria's federalism an inevitable political arrangement during the colonial period.

Unlike the United States of America where colonialism was fought and detested collectively by nationalists and states turned out to be the creators of the federal government (Reagan, in Boyd, 1997), colonial and post-colonial governments in Nigeria created regions and states for political and administrative expediency. Meanwhile, it is the states that created the federation in the United States in sharp contrast to the experience of Nigeria where the federal government created the states and other constituent units. The result is that states in Nigeria are made to be and are seen as administrative units and are, therefore, dependent on the federal government on issues of social, political and economic developments.

Collaboration between national and state governments, which is ideally supposed to be initiated and carried out in partnership with the state governments, is very little. Where this is carried out, it is always at the instance of the national government, which, in some cases, turns out to be the initiator, the financier, the supervisor, the appraiser and, finally, the one to take credit of the project. As a result, the states in the Nigerian federation are merely dependent on the federal government on so many activities, projects and programmes. In a situation where all these are initiated and controlled by the federal government, states are subjected to dependent development, especially on capital projects. This often entails politicisation, corruption and, at best, lack of local initiative on the part of the states. The roots of these crises can be located in the colonial arrangement in Nigeria which was not only characterised by divide-and-rule tactics, but also heightened regional alienation and mutual suspicion as a result of numerous political experimentations, orientation and practices. In any case, as Jega (1999:205) notes:

> [A]lthough the crisis of Nigerian federalism has its roots in British colonial policies, it has become protracted, if not

endemic, and complicated, essentially because of the phenomenon of prolonged military rule, which has engendered a tendency towards increased centralisation and concentration of resources and power at the federal centre, and which has nurtured a pattern of accumulation conditioned by patrimonialism and prebendalism, or the personalisation public office and the use of state resources to advance private and collective, albeit paradoxically, particularistic interests.

Based on this situation, inter-governmental relations in Nigeria's federation is based on intermittent factors. The central government erodes the sovereignty of states in their daily political and administrative processes as well as in their capacity to exercise their constitutional autonomy to initiate and undertake policy actions that could change the lives of their people. It should be noted that in Nigeria lack of proper utilisation of the virtues of IGR is not the most serious problem of the country's federalism. Unlike other national questions, such as revenue allocation, the indigene versus settler factor, the search for constitutional amendment and the over-centralisation of power at the centre, among other things, IGR in Nigeria is not always seen as a vital force in building a bridge for positive national transformation. Until 1966, access to federal government by the ethnic-inclined political elites in Nigeria constrained inter-governmental relations because the centre was subjected to what Bach (1989:219) describes as "profound distortions". One of these distortions had been in the area of managing the resources of the country and in distributing them equitably among the diverse population. Others included regionalism and ethnic and tribal loyalty, as opposed to national solidarity, as well as intense competition for power by the political elites (Bach, 1989).

Structurally, the inequities in the size of the federation itself a product of colonial arrangement and the lopsided development in the three former regions and later states have had a prolonged structural and systemic crisis of a serious magnitude in the quest for lasting peace. In short, "[t]he crisis of Nigerian federalism is not just institutional and structural, but it is essentially socio-economic and political" (Jega, 1997:1). Hence, it is correct to argue that IGR

occupies a back-seat in the political and administrative schemes of the national government.

This problem has been more pronounced in the period of military rule when a wide gap existed between the state and the national government, the state and society and between the state and some of its corporate institutions. In a situation where the federal government occupies the key role of the initiator and promoter of national development at different tiers of government and at the same time controls and dictates whatever it deems "practicable", it is at the expense of shared rule and shared responsibility. So is the story of Nigeria's federalism under military rule. Any analysis of why inter-governmental relations have not developed in Nigeria cannot overlook this important trajectory in the history of the country. Thus, the practice of a "more difficult to classify" pattern of federalism under military rule (Tamuno, 1997:16), vaguely described in different quarters as "quasi-federal", "militarist", "centralist" or "pseudo" federalism, could best be called decentralisation; whereas Elazer (1965:10) notes that cooperative federalism or IGR is not decentralisation but non- centralisation. It embodies a broad national concern for respecting the autonomy of states, while at the same time brings them closer to the national government on legislative and fiscal powers with the aim of forging a strong partnership for sustained development.

Although even in the U.S. where the practice of such a partnership has endured for long and endeared positive outcomes, opposition to it on account of the encroachment of states' sovereignty has become a common experience. The central argument against the practice of IGR revolves around the perceived federal encroachment on the autonomy of states on jurisdictional and constitutional rights (Rivlin, 1997). However, the Nigerian case is that of the overbearing and domineering power of the federal government over the states not only on matters of constitutional and jurisdictional practices but on a wider spectrum of socio-economic, legal and political frameworks. The result is that, on the one hand, the federal government occupies a wider space than what is stipulated in the Constitution and this impacted negatively on the local autonomy of states. On the other

hand, the latter occupy the same space in their relations with the local governments with far-reaching consequences on the autonomy of the third tier of government to initiate and formulate policies in order to meet local demands.

Perhaps, the central government in Nigeria assumes this dominant role since the end of the Nigerian Civil War in 1970 when, as a result of the increase in the revenue from the sale of crude oil, Nigeria's federalism became what Suberu labels "oil-centric distributive federalism" (Suberu, 2005: 3). Since then, the creation of states and the allocation of grants to them and to other tiers of government have remained more and more in the hands of the federal government.

In the post-military period, however, even when constitutionally-empowered states decide to create more local governments in their localities, such efforts are often thwarted by the central government often for political reasons, threatening that so doing would be met with not only the non-payment of federal grants to the newly-created local governments but also their illegalisation, as the experience of Lagos State in 2003 amply demonstrated. Moreover, a constitutional bottleneck that stipulates the confirmation by the National Assembly of any local government created in the country is another erosion of the autonomy of states to have independent action on matters that affect them. The result is that since 1967 when twelve states were created by the Federal Military Government, states and local governments have been created several times, leading to the present thirty-six-states federal structure, but all have been created by successive military regimes. Thus, there has never been a time when a civilian government created local governments and successfully secured the approval of the legislative arm. Suffice it to say that in the post-military period, the fear of dependence on the centre for grants has been the compelling reason by the federal government to deny states attempts to create local governments.

Although cooperative undertaking brings federal and state governments to partnership on some vital projects of mutual

interests, the successful practice of such partnerships depends much on whether or not the federal government is ready to finance the contractual agreement reached between the two parties. In cases where the states contribute financially to the execution of a project, it is either because the federal government is ready to invest more than half of its capital outlay in the project or the state in question is politically relevant to the interest of the centre. Furthermore, while in the U.S. states could reject a "conditional grant" or a federal grant, which goes with federal monitoring to make sure states spend the money appropriately, in Nigeria the situation is different. The economic dependence of the constituent units on the centre makes it an impossible move by a state to reject grants from the federal government no matter the implication on self-autonomy. The point to note here is the economic viability of states in the U.S. as a result of strong reliance on property taxes, which by 1990 accounted for 75% of state tax revenue (Katz, 2003). It is undoubtedly clear that states in the U.S. are more economically vibrant as to reject any federal government's grant and also carry out many "unfunded mandates". The state of California alone boasted of being the fifth largest economy in the world in 1991 and 2003 respectively, surpassing some European countries like France, Denmark and Norway. On the other hand, states in Nigeria like Lagos and Kano are rich, but despite the fact that their economic potentialities surpass those of other economically weak states in the federation and even those of some African states, such as Niger, Ethiopia and Gambia, they wholly depend on the federal grant for their development.

Another feature of IGR in Nigeria is in the area of fiscal federalism. The crisis of fiscal federalism is multifaceted but its dynamics can be located in the nature of power relations between one tier of government and the other or among the three tiers of government. This problem has created a nauseating experience in the federation and called for serious concern about the justifiability of the whole arrangement of revenue allocation in the country.This problem manifests itself in the demand for resource control by the oil-rich Niger Delta communities and the conflict over distributive federalism in the country. With 36 states, Federal Capital Territory

(FCT) and 774 officially recognised local governments, the structure of Nigeria's fiscal federalism is skewed in favour of the centre.

As at present, the formula for the allocation of resources stands at 45.5% to the federal government in addition to sundry special funds, which brings its total allocation to 56%, while states and local governments receive a share of 24% and 20%, respectively. Although the National Mobilisation Allocation and Fiscal Commission (NRMAFC) came into being in 1990, its effectiveness in dealing with contentious issues on federation account's allocation to other tiers of government is a recent development. Specifically, the powers of this commission has been felt when on several occasions it resisted the interference of the President's and the Federal Ministry of Finance's overture on the revenue sharing formula in favour of the central government (Ekpo, 2004).

Similarly, although there are different principles in the allocation of resources in Nigeria as in the U.S., in the case of the former the derivation principle has been a contentious item in the federation and provoked a lot of contestations among different nationalities that make up the country. The 13% derivation formula, which, in the case of Niger Delta states includes off-shore resources, is by all intents and purposes a consociational means of resolving the intense clamour for better and equitable means of revenue sharing formula in Nigeria. Despite this formula, the oil-rich Niger Delta states are always and in a more vociferous way agitating for a jack up of the percentage.

In the context of a democratic space created since 1999, the littoral states had in 2004 submitted to the National Political Reform Conference a total resource control as opposed to 13% derivation principle. Based on the latter, the Niger Delta states receive a share more than any other geo-political zones. For example, between January and April 2005, the percentage terms (inclusive of the 13% derivation) to states, according to geo-political zones, showed a wide margin in favour of the South-south geo-political region. This trend has always been the case given the percentage of derivation

which favours them. Between the periods under review, the South-south received 41.3%, while other geo-political regions were allocated the following: South-west 12.1%, South-east 9.6%, North-central 11.0% and North-west 14.8% (Yakubu, in *This Day*, 2005:35). Thus, with 41.3%, the South-south received more than what any three geo-political zones received. The zone received more than what the entire South-east, North-central and North-east received.

The point to note from the above distribution is that if the lopsided revenue sharing formula is matched with the economic development of the areas that enjoy higher distribution, the result would be an exacerbation of the already existing lopsided development in the country. Despite the lion's share that goes to Niger Delta states, local communities are not developed to their expectation. The result is that, despite the setting up of the Niger Delta Development Commission (NDDC), the Niger Delta Basic Development Board (NDBDB) and the Oil Mineral Producing Areas Development Commission (OMPADEC) to render developmental activities in the Delta region, the region still remains the epicentre of violence and confrontation with the state.

This relationship throws light on the nature of state powers in relation to local governments. Although the Constitution of the U.S. does not specifically recognise local governments, they still enjoy the federal government's support as federal laws, regulations and expenditures are extended to them mainly through their states. Similarly, like in Nigeria, local governments in the U.S. often feel cheated by state governments. This feeling is not just imaginary but a reality in the Nigerian set up. The powers of the local governments to initiate relevant laws and practices that can transform the lives of rural communities in Nigeria are beclouded with extreme bureaucratic control by state governments. Since 2003 when state-local governments Joint Account (JA) was introduced by the federal government, the hitherto method of direct allocation to local governments from the federation account was stopped. The result is that the state governments are in the habit of delaying the release of grants to local governments and, more often than not, the

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bureaucratic bottlenecks created in the administration of funds to the third tier of government breed corruption and clientelism. Thus, it can be rightly said that the horizontal dependence on the central government by the constituent units as well as the limitation of the powers of state governments by the central government and those of local governments by the states has created triangular power relations in Nigeria rather than a relationship based on shared rule and shared responsibility. It is for this reason that a communiqué issued at the end of the recently concluded conference of the Nigerian Political Science Association (NPSA) noted that:

> Nigeria's federalism, as currently practised, does not empower the state and local governments to perform their constitutionally assigned roles and functions under a democratic federal structure. Nigeria's federal system has been severely undermined by the overbearing exercise of powers at all levels of government, each in relation to lower levels of government and the citizenry of the Nigerian crisis have either been manipulated or blocked by the state (Quoted in *The Leadership*, May 2006:10).

Thus, the pattern of IGR in the post-military era in Nigeria has never been free from too much disaffection, disregard of the rights of constituent units and even abuse of constitutional rights in order to emasculate the states. However, this does not mean that the role of IGR in Nigeria's federal system is minimal. Despite the pattern of power relations between the federal government, on the one hand, and the constituent units, on the other, important areas of IGR can be identified in Nigeria. The federal government is seen as the last resort in cases of emergency or any federal support needed by the states, just as the local governments consider the state governments on matters that require support or collaboration.

Furthermore, since the country inherited a British model of civil service structure, ethics and condition of service, the different constituent units have a common service structure. In this way, they serve as a reservoir for training federal workers. The latter are mainly drawn from different nationalities in Nigeria on the basis of federal character and quota system principles, as enshrined in the 1979 Constitution and later provided in the 1999 Constitution.

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Under this arrangement, states and even local governments are represented on the basis of federal character. Since the setting up of the Federal Character Commission (FCC) in the 1970s as a mechanism of balancing the federation in terms of employment opportunities and the award of federal government contracts to different constituents units and nationalities, an institutionalised pattern of IGR is said to have been entrenched in the country. This principle also applies to the electoral process as to the composition of the presidential cabinet, which must include at least one Minister from each of the states in the federation (Bach, 1989). Although the federal character principle has its associated pitfalls, such as the inability of the drafters of the Nigerian Constitution to entrench a clause that would recognise the rights of "non-indigenes" to settle and be accepted as members of the states they are residing in, its retention in the Constitution suggests that it is part and parcel of Nigeria's form of consociational politics of IGR.

Lessons from the American Experience and Matters Arising

From the foregoing analysis, it is important at this juncture to recognise some of the major inhibitors of systematic functioning of IGR in Nigeria. Already these inhibitors have been discussed either in part or as a factor for weak IGR. However, as a whole, they can be summarised as follows: colonial heritage and the regionally-entrenched politics of patrimonialism, prolonged period of military rule and power relations among the federating units and excessive dependence on the centre for the development of the constituent units and politicisation of IGR. Indeed, looking at these problems one can rightly agree that most of them are constitutional problems while others are mainly structural and systemic. However, we can argue that the Constitution of the U.S. today is a product of over twenty amendments by the people of the United States, while that of Nigeria is yet to attain the input of the true representatives of the country's civil society. Successive military governments appointed their nominees in the previous Constitution Drafting Committees and no election was made to suggest any democratic participation. Even in the 2005 National Political Reform Conference the president alone nominated some 400 people and each state was

represented by six nominees of the state government (Suberu, 2005:1).

Furthermore, although the autonomy of the states is constitutionally specified, there exists an overlapping jurisdiction in Nigeria so much so that one might be excused for confusing the jurisdictions of each unit in relation to the other. Most of the problems generated in the immediate period of post-military rule in Nigeria are the problem of powers and functions to the extent that when Zamfara and other states in the North implemented a *Shari'a* legal system, a lot of claims and counter-claims between the centre and the affected states continued unabated even when the federal government called for the return to *status quo ante*. In the U.S. system of a federal set up, the Constitution of the country does not ban states to write their constitutions, form their own judiciaries or legislate on their own set of laws. It is, therefore, the constitutional rights of the states to govern municipalities according to their plans. With a dependable system of internally generated revenue, sales and income taxes, states and local governmentts in the U.S. do not see the federal government as a hurdle to the realisation of their goals. In the case of local governments, however, states increase their aid to them as tax revenue increases, thereby enriching the resource base of the local governments. In this case, absolute dependence on the centre is not the tradition in the U.S. IGR as it has been the case in Nigeria.

It is quite interesting to note that a form of trust by the federal government in partnership with states has been an enduring aspect of the U.S. IGR. This has over the years created inter-dependence instead of dependence between the centre and the states. It is the logic of this interdependent relationship that makes the administration of election in the U. S. a duty bound for the federal government to depend on states and states, on the other hand, depend on the federal government to exclude the transportation of prohibited goods across their boundaries. In some cases, the federal government borrowed policies from the states as in the case of Family Support Act of 1988, which was inspired by the Thomy Thomson led fight for major reform of Wisconsin State's welfare. In Nigeria, this type of relationship exists but its viability has been

hampered by politics and lack of political mindset on the part of the federal government and states in dealing with developmental concerns.

Conclusion

States in the U.S. are not merely administrative units that exist primarily in order to implement the policies of the central government. They exist independently and systematically and are in partnership with the federal government on different matters. What makes the U.S. federal system a balanced federation is a long history of debate and the amendments of constitutional provisions that hamper jurisdictional claims on matters of trade laws, home rule, education and transportation. In Nigeria the journey so far is still short. Yet, the country should not be complacent as to gloss over a lot of constitutional barriers that impede a meaningful IGR. Through partnership, accommodation, reforms, constitutional and otherwise and the enrichment of the local economy to support states and local governments, it is expected that IGR in Nigeria will surely be improved. Although there is no one 'pure' and 'refined' pattern of federalism, as different countries have different historical experiences and environmental forces of change, it is, however, pertinent to broaden the scope of policy makers in Nigeria in order to learn from the good experience of other societies. Unless an acceptable constitutional amendment engenders an amicable constitution for Nigeria, the country will continue missing the virtues of IGR. The lesson to be derived from the U.S. form of partnership in IGR is, therefore, central to working out practices that would help to address systemic lapses, constitutional dilemmas and structural defects

CHAPTER TWENTY

Nigeria's Turbulent Federation and Politics of Ethnic Conflict: An Analysis of Jos Crises, 1999-2010[1]

Introduction

Crises and conflicts are the recurrent features of plural societies, but it is not always the case that such societies are naturally more prone to conflict. Nonetheless, effective strategies aimed at managing the inevitability of social conflict are some of the characteristics of a vibrant polity, federations and non-federating states alike. In societies where conflicts are endemic and recurrent, their management strategies tend to be multifaceted. However, not all of these strategies are always effective in averting future outbreaks of conflicts due to the complex and sometimes spontaneous eruptions of conflict. Where the casual relationships of conflicts are evident and sporadic, it does not always follow that peace is easier to achieve within a short period of time. This is to suggest that conflicts, particularly in plural societies, cannot be averted completely but adequate mechanisms are needed to manage them and possibly reduce their negative impact on the state, the society and the economy. In Nigeria's multi-ethnic federation, the phenomenon of conflict is rooted in the historical formation of the country as a modern nation-state. This has been compounded by the trajectory of politics in the country's unbalanced federal set up.

The prolonged period of military authoritarian rule with its attendant marginalisation of society and insensitivity to inter-group relations has also widened the already existing contradictions of social relations in Nigeria. It is these contradictions that breed social

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tension, thereby leading to social exclusion and identity politics the ramifications of which often engender xenophobic social relationships among people of different nationalities in the country. As a result, the seeds of temptation, intolerance and insecurity among citizens of the same country are planted and eventually germinate and blossom into conflict. Similarly, even after the terminal end of the military rule in 1999, Nigeria continues to experience various conflicts, ranging from the political, the communal, the ethno-religious and the regional, with varying degrees of consequence, threatening not only the survival of the country's nascent democracy but also its corporate existence as a political entity.

Federalism in Nigeria, as in other plural federal states, has been characterised by incessant contestation among the different nationalities that make up the country. Since the return to civil rule in 1999, contestation and a myriad of concerns have been heightened from both the upper and lower parts of the River Niger. The various nationalities that make up Nigeria feel that the return to civilian rule has offered them the opportunity to agitate for what they believe is their right to possess, partake in or achieve for their development. Thus, while some communities agitate for some form of greater dividend from oil resources, as in the case of the Niger Delta Region of the country, a fraction of some ethnic groups agitate for independent and sovereign states, as in the case of the Movement for the Sovereign State of Biafra (MOSSOB) in the South-east of Nigeria, while still some nationalities are fiercely resorting to social exclusion, which fosters xenophobic social relationship between 'indigenes" and "settlers".

Thus, based on the polarisation of citizenship, the two competing groups achieve their political, economic and social ends with dire consequences on building a bridge for national unity in the country. This chapter examines the politics of "native" versus "settler"-relationship in Jos, Plateau State of Nigeria with a view to understanding the politics involved in the relationship between the two social groups and the crises it breeds from time to time as well as the questions it raises on the country's search for a united, strong

and peaceful federation. The method adopted in the chapter is essentially content analysis based on the available data on the issue of Jos' lingering crises.

The Jos/Plateau State conflict underscores the necessity of revising some of the weakest areas of a federal arrangement that has been replete with blisters of real and possible occurrences of conflicts. The objective of this chapter is, therefore, to examine the politics of the Jos conflict, a conflict which since its first outburst in 1994 has become a threat not only to the democratisation process in the state, in particular, but also to national unity and integration. Using secondary sources of data and content analysis, the chapter discusses some of the critical dilemmas of the "native" versus "settler"- cum political, economic and religious conflicts in the area. Central to the argument of the chapter is that the recurrent violent crises in Jos are reflections of the tidal waves of political contestation in a federation that has not resolved some of its basic political, constitutional, social and administrative lapses in the process of federal compact.

In order to examine the issues involved in the conflict, particularly the major contradictions in Nigeria's federalism that exacerbate the internal dynamics of tension and animosity among the various inter-group nationalities in Jos, the chapter has been divided into seven sections. Section One introduces the chapter. In Section Two, the chapter examines the framework of understanding Nigeria's turbulent federal set up and its manifestation of political conflicts since the return to civil rule in 1999. Section Three provides an overview of the trends and dynamics of Nigeria's federalism, while in the Fourth Section, a brief review of the background of Jos town is given in order to unveil some of the underlying currents about the native and settler intergroup relations. In Section Five, the politics of ethnic conflict in Jos is discussed as a model of the native versus settler question in Nigeria. Section Six discusses what should be done to address the perennial conflict in Jos and other similar conflicts in the country. Finally, Section Seven concludes the chapter.

A Framework of Analysing Nigeria's Turbulent Federal System and the Rising Tide of Political Conflicts in Jos

Federalism is a form of political and administrative arrangement in which the central government has some form of powers separate from the constituent units in the federation. The system is intended to provide shared powers and resources among constituent units within a country. The concept of federalism has legal, constitutional, political, sociological and even administrative connotations and perspectives. What is most important in any federation is the ability of the system to provide an enabling environment for partnership and the maintenance of unity in diversity for national integration through constitutionally-delineated functions and roles of the federal, state and local governments. In a federal system, as Wheare (cited in Awa, 1976:4) notes, neither the central nor the regional governments are subordinate to each other, but each level of government is coordinate and independent.

Scholars have variously defined the concept of federalism. In the context of this chapter, the word "federalism" is adopted from Tamuno's (1998) conception, which means the powers and functions of the state are shared in a cooperative manner between the central government and its constituents units. This definition suggests that in plural societies federalism is a marriage of convenience designed to promote what Elazer (1985) refers to as "creation and maintenance of unity and the diffusion of power in the name of diversity". This is to say that federalism is "usually a special approach to representation within the national government and mechanisms–both legal and political–to settle inter-level disparities" (Walker, 1995:20).

Thus, against the backdrop of the existence of what Tamuno (1998:13) calls "centre-seeking" and "centre-fleeing forces" in most federations, the goal of any federal state is to ensure maximum benefits to each of the component parts of the federating union through distributive justice, power sharing principle, political, religious and cultural tolerance, accommodation and consensus on issues that affect the viability of the system and also guarantee peace and national unity. The ability of a federal system to use its

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potentials and achieve these goals is what brings the question of "strong" and "weak" federations. The former are mainly federations that have an enduring system capability. They are considered successful federations because they achieve an enduring system adaptation through a series of administrative, constitutional, economic and political policy frameworks. This is not to suggest that strong federations are devoid of burning issues that generate contestation among their component units or groups. Rather, their ability to address any of their critical national questions, achieve compromise or maintain peace in their polity has been part of their democratic heritage and constitutional history, which have been well-guarded in principle and practice. In the latter form of federal system, the workings of federalism are evolving and not mature enough to contain centrifugal forces.

In some, cases, the context of power relations among competing political class has stultified the process of arriving at a workable federal framework that would allay the fears of disenchanted and disarticulated groups in the political environment. In such a scenario, the ability of the system to withstand systemic shocks largely due to the volatility of the federating entities is very slim. As a consequence, various nationalities resort to the politics of identity without compromise on vital concerns that can foster social and systemic equilibrium, peace and unity. Therefore, the phenomenon of political conflict as the collusion of incompatible goals (Janowitz, 1970) also defined as a social phenomenon, which engenders disagreement over ideas, values and motives, is likely to permeate a weak federation unless concerted efforts are made towards consociation, accommodation and change in the mindset of contending forces.

In his analysis of the causes of political conflict in societies, Schock (1996) captures the intricate social dynamics that work together and invariably breed political conflict in a state. His theoretical insights on conflict arising from a combination of factors, which he calls a *conjectural model* of political conflict, is quite relevant to the understanding of conflict in Jos/Plateau State. The model illuminates a scenario of inevitability of conflict resulting from a large array of

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factors that are deeply embedded in a plural society and the direct or indirect role of the state in fuelling it. Schock's model differs from the economic discontent theory or political opportunity theory because of its stressing a synergy of factors that leads to political conflict. Schock's model states that social groups are agents that aggregate and articulate group interests mainly arising from competition for economic values, which invariably seep into political and social interests.

Furthermore, the conjectural model is distinct from the dominant theories of political conflict in the sense that "it stresses the combination of economic inequality and existing political structures and maintains that political context moderates the relationship between economic inequality and political violence" (Schock, 1996:106). Thus, Schock argues that a proper understanding of political conflict, therefore, requires the understanding of a multiplicity of factors rather than a single cause. What role does the state play in contributing to political conflict? Schock answers this question when he argues that the state could either mediate conflict among inter-groups successfully or fuel it due to its weakness in providing public goods to a society (Schock, 1996).

Although Schock's central idea focuses on group violence against the state, not essentially violence among inter-groups, his model is quite useful to the understanding of the myriad of factors that lead to conflict in Jos, at least for two reasons. Due to its weakness as the chief social services provider and, second, as a result of its covert or overt involvement in the politicisation of inter-group violence, the state has become incapable of gaining the confidence of its subject in providing security or the management of conflict. This tendency is one of the fundamental crises of the Nigerian federalism (Agbu, 2004) and when it becomes intermingled with other equally intervening variables, such as religion, ethnicity or social inequality and discrimination, it fans the embers of political violence. Consequent upon these intervening variables and the inclination of the political class, either directly or indirectly, to reinforce social polarisation among inter-groups, ethnic tension is likely to intensify. It is in this context that the state diverts critical attention from its

complicity in the inter-group conflict that has been recurring in the case of "native" versus "settlers" spiral of violence in Jos since 1994.

In addition, the weaker the capacity of the government to provide public goods and social security the more difficult it becomes for the state to contain political violence. In some cases, while the state becomes an indirect party to political violence, it masquerades under the ambit of a neutral arbiter and organises peace talks in addition to the usual setting up of a Judicial Commission of Inquiry into ethno-communal or religious crisis. In the end, neither are the perpetrators of violence identified and brought to book within the provision of the law nor the state's complicity in the violence exposed. In this way, the circle of violence continues for some days and its re-occurrences in close gaps with dire consequences on the lives and property of people in the conflict-prone areas, thereby posing a serious threat to national unity.

An Overview of the Trends and Dynamics of Conflicts in the Nigerian Federation

Modern federations are formed for various reasons. A prominent factor is the desire of some form of unity in diversity among the various nationalities in the federating union (Riker, 1964). Other factors include: to strengthen military defence against external enemies; to provide an enabling environment for common market with a view to promoting economic activities of the federating units; to prevent economic and military strife by centrifugal elements within a mega nation; to promote a pattern of social and political life desirable by each member group of the union. In Nigeria, as in other African states, federal thinking was prompted not by the debates embarked upon by the representatives of ethnic nationalities resulting into a consensus and eventual agreement leading to the formation of a federal union. Instead, it was colonial masters, mainly for administrative convenience and the economic interest of the metropolitan colonial state that essentially stimulated federalism in Nigeria.

The effective British colonial presence in Nigeria was established in 1861, when Lagos was annexed and thereafter the Colony of Lagos was created under a colonial Governor. Since then, a series of actions were made by the colonial state in order to provide a convenient political and administrative set up that would facilitate the consolidation of British control in the country. The first move by the British government was the establishment of Protectorates in the hinterlands of the coastal areas. In 1900, the Niger Coast Protectorate, formerly the Oil Rivers Protectorate, which had been established since 1885, was joined with Yorubaland, which comprised three major ethnic enclaves of Egbaland, Ijebuland and Oyo, to form the protectorate of Southern Nigeria. In the second process of amalgamation, which took place in 1906, the Colony of Lagos was joined with the Colony of Southern Nigeria, thereafter called the Colony and Protectorate of Southern Nigeria. Between 1900 and 1903, the conquest of Northern Nigeria was accomplished and the establishment of the Protectorate of Northern Nigeria followed it immediately. Later in 1914, the three protectorates were amalgamated to form a single British colonial administrative entity called Nigeria. By 1946, the country was divided into three lopsided regional structures – the East, the North and the West, respectively. The three regions were given regional autonomy in 1954, which heralded the formal establishment of the federal system of government with separate spheres of powers and administrative responsibilities between the regions and the central government.

It is important to note that three overlapping contradictions can be observed from the formative period of Nigeria's federalism. First, the country started as a unitary state before it finally opted for a federal system. Second, *territories* (geographical enclaves) rather than *nationalities* (ethnic groups) were the cardinal focal point of the federal arrangement in the country. Third, emphasis on economic considerations was the motive behind the federal or quasi-federal arrangement in Nigeria under colonial rule (Tamuno, 1998). Unlike in other advanced federations, such as the United States of America, Switzerland and Canada, where military interest and the need to contain diversity prompted their federal arrangement, the evolution of Nigeria's federal system was initiated by the colonial state with a

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view to providing a hospitable environment for expanded administrative, economic, socio-cultural and political domination and control. Identities, particularly territorial ones, such as the ethnic, the regional and the religious, have been strenuously shaped by the colonial experience in Nigeria when cosmopolitan cities were polarised on the basis of residential quarters, among other policies. While it created a culturally artificial Nigerian state, the colonial government did not make assertive efforts towards unifying such a divided multi-ethnic state (Osaghae and Suberu, 2005; Arazeem and Saka, 2007).

Based on these considerations, it is predictably feasible to argue that the unstable Nigerian federal system owes its underlying contradictions to its shaky foundation during the period of colonial rule. Whereas for a federation to be strong and resist failures, both its leaders and followers must 'feel federal' (Ramphal, 1979:96) and develop the consciousness of being together in what may be called *espirit de corps*, united we stand; divided we fall. In contrast to this ideal, parochialism, which intensely developed since the 1914 amalgamation and subsequent years before and after independence (Bretton,1962), had engendered acrimonious inter-regional, inter-group and intra-group relationships, leading to what Kirk-Greene describes as "*believed* oppositions, of dissent and distrust" (1971:5) among the dominant political parties that emerged in each of the three regions. Therefore, from 1954 onward, the growth and development of federalism took into consideration elite points of view, as expressed by Nigeria's political party leaders of that era. Although the role of the masses in the scheme of federal arrangement is not very clear, one can rightly say that the nature of power competition by the political elite, which was essentially regional, permeated the Nigerian society. Hence, as Tamuno (1998:16) observes:

> In practice, both the elite and the masses allowed Nigerian federalism to encounter severe crises during its "formative years". That Nigerian federalism, in particular, and Nigerian multi-nation state, in general did not experience sudden death in its formative years is not merely through Goodluck but also

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> from increasing public awareness of the balance of advantage between issues that unite and those that divide.

From her inception as a colonial state, Nigeria has faced perennial crises of territorial or state legitimacy, which have often challenged her efforts at national cohesion, democratisation, stability and economic transformation. Reinforced by fear of domination and marginalisation by the three dominant ethnic groups (the Hausa/Fulani, the Igbo and the Yoruba), various minority ethnic nationalities in the country felt threatened as their fears were far from being allayed under colonial rule, nay in post-colonial power relations. Largely due to the control of the federal government by regional and ethnic-based vested political and economic interests, the fear of domination among the three dominant ethnic groups in the country's post independent period also made the political situation highly saturated. The high point of the crisis of the Nigerian federation came with the Nigerian Civil War, which occurred between 1967 and 1970, barely a few years after independence in 1960. However, rather than the experience of the war to abate contestation, conflict became more or less pervasive and intense in the post-Civil War period and disintegration continued to be contemplated by aggrieved segments of society as one of the possible ways of resolving the "National Question". Similarly, despite the remarkable reconfiguration of the Nigerian federation, initially in response to the secessionists threat in 1967 and later in order to promote a balanced federation through state creation, the over 30 years of military rule established a federal system aptly described by William Reno (1999:108) as "institutional framework of a centralised national patronage". In this arrangement, arbitrary rule, clientelism and polarisation of social groups in sub-federal arenas, leading to the proliferation of administrative boundaries and identities have been made prominent in the country's political process. Ultimately, discrimination against settlers and non-indigenes was made obvious, leading to "contraction of the geo-political space in which a Nigerian can claim indigene status within a particular state and enjoy full citizenship rights" (Osaghae and Suberu, 2005:21).

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In the prolonged period of military rule, which lasted for more than three decades, crippling economic crisis and its resultant severe impact, particularly following the implementation of the Structural Adjustment Programme (SAP), on the middle class and the poor population of the Nigerian society, widened the already existing gap between the rich and the poor. This simply means that in a volatile Nigerian federation whose unpopular political and economic reform policies have created disillusionment among the various sections of society, conflict is invariably likely to remain as dire as ever (Suberu, 1995). As Jega (1999:197-198) notes:

> Indeed, Nigerian federalism has been dragging along, slowly if not epileptically, with an over-loaded baggage of socio-economic and ethno-religious problems. Partly because of this, contradictions abound, political crises have been endemic and progress in terms of inter-ethnic and religious accommodation and peaceful co-existence has been very slow, if not completely absent. Nigeria presently appears to be a leading example of a few cases where federalism has seemed unable to effectively manage, contain, or reduce ethno-religious and communal conflicts, and where its relevance is increasingly and vociferously being questioned and challenged.

Indeed, within the past four decades, Nigeria has experienced dangerous scenes of incessant dysfunctional conflicts, which have occurred between communities and ethnic and religious groups. It is noteworthy that these conflicts are not confined to any specific geo-political region of the country; they are in most cases spontaneous but not unexpected. In the eleven years of Nigeria's return to democratic rule, the country had witnessed the outbreak of several violent ethno-religious and communal conflicts, while some old ones have gained additional potency. Examples of such conflicts in Nigeria in recent time include the Yoruba-Hausa community in Sagamu, Ogun State; Eleme-Okrika in Rivers State; Zango-Kataf in Kaduna State; Tiv-Jukun in Wukari, Taraba State; Ogoni-Adoni in Rivers State; Chamba-Kuteb in Taraba State; Itsekiri-Ijaw/Urhobo in Delta State; Aguleri-Umuleri in Anambra State; Ijaw-Ilaje conflict in Ondo State; Basa-Egbura in Nassarawa State; Hausa/Fulani-Sayawa in Bauchi State; Fulani-Irigwe and Yelwa-

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Shendam, both in Plateau State; the Hausa-Yoruba clashes in Idi-Araba in Lagos State, and Ife-Modakeke in Osun State.

While the causes of the crises are many and varied, they are mostly the result of cultural differences and identity politics, religious, communal, economic and political factors. Therefore, within the first three years of the return to civilian rule in 1999, Nigeria witnessed the outbreak of several violent communal, ethno-religious and political as well as economically-rooted conflicts. In a research conducted at the Jos-based Institute of Governance and Social Research (IGSR), it was found out that between 1999 and 2010 alone there had been at least 187 ethno-religious conflicts in Nigeria in which one or more people died and or massive destruction was caused (Elaigwu, 2010). In all, CLEEN Foundation (2009: vi) reported that in the first ten years of the Fourth Republic in Nigeria, it was estimated that over 20,000 people had lost their lives in identity-based politics and conflicts and thousands displaced in over 200 outbreaks of violence. The Jos conflict is one of such violent political conflicts with strings of religious, ethnic and economic undertones, which threaten peace. It has taken the lives of people and created animosity and social tension, which forestall harmonious inter-group social relations. A recent report by the Global Centre for the Responsibility to Protect (2010:1) put the death toll of the people in Plateau State conflict since 1999 to 13,500.

Background of the Case Study Area

Plateau State, where Jos town is situated, is one of the thirty-six states in the Nigerian federation located in the North Central geo-political zone of Nigeria or the former Middle-Belt region. The region is today regarded as a geo-political term with elements of ethno-religious connotations comprising Bauchi, Benue, Kaduna, Nassarawa, Plateau and Taraba (Ambe-Uva, 2010). The defunct region has various inhabitants from the diverse cultural groups that make up Nigeria. Indeed, out of some 395 ethnic groups in Nigeria, three quarters are from the Middle-Belt (Danfulani, undated) and out of this number Plateau State alone has an estimated 53 ethnic groups (Best et al, 2008). Jos town is located in the highlands of the North-Central Nigeria and is on a pear-shaped plateau with undulating hills;

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it also enjoys a near temperate climate, averaging 22^0C (75^0 F) daily. With an average humidity of 60 percent and average rainfall of 1,400 mm (56") (Danfulani, undated), it provides a prototype of cool temperature found in most European states. This unique feature is not found elsewhere in other states of the federation. The scenic beauty and a cool weather of Jos have attracted tourists, Nigerians and foreigners alike, as well as Christian missionaries, who not always visit Jos, but also settled in the area. From over 155,000 people in 1973, the population of Jos jumped to over 600,000 in 1991 and since then it has increased to over 1 million inhabitants (Dung-Gwom and Rikko, 2009:5).

Started as a small mining town around 1904, Jos city, compared with other traditional cities in the North and South of Nigeria, is a recent city by Nigerian standards (Dung-Gwom and Rikko, 2009). According to Dudley (1968:236), until the 1920s the Jos district was little more than scattered villages. "The discovery and exploitation of tin casseterite during this period provided the main impetus to the development and settlement of the area". Thus, since the era of colonial mining activities, Jos has experienced a rapid growth in population and physical size largely owing to the migration of people attracted to the mine camps either as labourers or traders. The evergreen grazing land of the Jos/Plateau area also attracted Fulani pastoralists. For the Hausa/Fulani labourers, Jos was a goldmine for its lucrative wage, which by 1927 rose very high; about 300 percent higher than the average wage elsewhere in the country (Dudley, 1968:236). Therefore, by the 1940s there were over 200 mining camps on the Jos plateau and over a 40,000 mine population; most of this number are Hausa/Fulani. As Dung-Gwom and Bikko (2009) point out:

> Large number of Hausa Fulani came to the Jos plateau at that time as miners (many through the policy of force labour imposed by the colonial government during the Second World War)... The Igbo, Orhobo came into [sic] Jos as craftsmen in the mines and for commerce. With the rail line extended from Zaria to Jos in 1914, the town started witnessing rapid economic and social development. By independence in 1960, Jos was about

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the most cosmopolitan town in Nigeria (Dung-Gwom and Bikko, 2009:6).

One exceptional feature of Jos district compared with other traditional cities in Nigeria, such as Kano, Maiduguri, Katsina, Zaria, Makurdi and Kaura Namoda, is that it is the "only area in the North where the indigenous inhabitants are more than outnumbered by the non-indigenes, and in the division as a whole, it is the only area where non-indigenes constitute more than half the population" (Dudley, 1968:234).

Table 12: Ethnic Composition of Selected Areas in Northern Nigeria

Area	Total Population	Fulani	Hausa	Ibo	Yoruba	Birom
Jos Division Jos District Jos Township Bukuru Town	246,406 31,582 6,945 8,450	20,238 914 164 307	45,299 13,183 436 2,477	19,283 8,889 3,794 3,516	8,274 5,061 835 1,109	114,003 279 125 107
Kano Division Kano City District	2,822,414 127,204	836,730 12,119	1,813,340 88,715	12,225 11,135	7,498 5,783	- -
Sokoto Division Gusau District	2,020,340 86,601	316,972 19,915	1,423,103 61,658	3,059 1,440	2,764 975	- -
Zaria Division Zaria City District Zaria Sabongari District	795,922 59,389 30,538	82,287 11,216 2,706	360,443 44,125 14,881	17,997 614 6,282	9,531 525 3,711	- - -

Adapted from Dudley B. J. (1968), *Parties and Politics in Northern Nigeria*, London: Frank CASS & Co., p. 235. Note: The figures are based on the 1952 Census. Kano City district, Gusau district and Zaria City and Sabongari districts

have been chosen as contracts because like Jos, they are important commercial centres.

The Table above shows that the whole of Jos district, where the present Jos-North Local Government is located, has a total population of 31,582. Out of this figure, a total of 914 and 13,183 inhabitants are Fulani and Hausa settlers respectively, while the Birom, one of the native inhabitants of the Jos Plateau, constitute 279. Others are the Ibo and the Yoruba, with a total population of 8,889 and 5,061, respectively. While the indigenes of Jos were hospitable to migrants in the formative years of the township, on the other hand, they were reluctant to engage in the wage income earning activities in Tin City. Instead, they concentrated on their farmlands in the nearby rocky mountains and became hostile not to the labourers but to foreign mining interests. Hence, they neither joined the mines nor moved into the mining camps to settle (Dung-Gwom and Rikko, 2009).

The majority of Jos inhabitants are Christians and the Muslim population constitutes a significant minority. The 1952 population census in Nigeria showed that 84.5 percent of the Jos Plateau inhabitants are Christians, with Muslim constituting 12 percent and the adherents of traditional religious formed 3.5 per cent. Although population census in Nigeria today does not provide data on the religious affiliation of the people in the country, the population of Christians in Plateau State outnumbers that of Muslims. For its scenic beauty and natural landscape as well as diverse ethnic groups whose peaceful co-existence has earned the state the apothegm: "Home of Peace and Tourism", Plateau State used to be an archetypical multi-cultural society and epicentre of peace and hospitality. Even when in 1947 the creation of the Berom Chieftaincy Stool of the *Gbwong Gwom* led to the removal of the traditional leadership position of Jos from the hands of the appointed Hausa man as the paramount Chief of Hausa, the *Sarkin Hausawa* of Jos, the discontentment of the Hausa settlers did not fundamentally lead them to open confrontation with the "indigenes" in the then Jos township. The action only created the foundation of a sour relationship between the two groups. Inter-group relations between

the two groups - the Hausa/Fulani "settlers" (mainly Muslims) otherwise referred to as *Jasawa* (the Hausa/Fulani ethnic group living in Jos city) and the "natives," who are indigene tribes of Afizere, Anaguta and Berom (mainly Christians) changed dramatically following the 1994 Jos violence. Since the return to civilian rule in 1999, Jos Plateau has been embroiled in political violence in 2001, 2002, 2004 (February and May), 2008 and 2010 with serious consequences on the corporate existence and unity of Nigeria.

The Politics of Ethnic Conflict in Jos as Archetypical of Nigeria's Turbulent Federal System

Due to the volatility of the Jos conflict and the intricate ethno-religious dimension it has inherently taken, its underlying causes are often beclouded with the evasion of truth, emotional attachment and conjectural hyperbole in the way it is being discussed. As a result, the impartial analysis of and the objective news commentaries by some media houses on the conflict situation in Jos have been rarely provided. In some cases, this tendency is found even among scholars, who do not mind being unscientific in their analyses of issues concerning their religious persuasion or ethnic identity. The orgy of violence that greeted Jos Plateau at the beginning of the 1990s reached its climax in 1999 involving "indigenes" and "settlers" as a particular case of identity conflict that is central to the citizenship question in Nigeria (Alubo, 2009). Reinforced by political, religious, economic, ethnic and other forms of identities, the "native" versus "settler" factor has profoundly changed the political and economic landscapes of the inhabitants of Jos. This calls for the question: who are the natives/indigenes and non-indigenes/ settlers in Nigerian citizenship?

A "native" of a specific ethnic group in a state in this context is synonymous with an "indigene"; a "son/daughter-of-the soil". In local parlance, it refers to "ascribed identity of being born in a particular location into a specific ethnic group considered to have a 'homeland' within the locality" (Alubo, 2009:4). Thus, regardless of being a citizen of Nigeria, any person who has his/her ethnic genealogy elsewhere, even if he was born in a particular state or

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lived all his life there, is regarded as a "settler". As expected, most Nigerians living in states other than theirs as settlers do not regard themselves as such; for many of the so-called "settlers", it is an insult to be considered a sojourner. With all its associated inferiority complex and denials of some form of rights to political, economic, religious and even social participation, "settlers" found it difficult to explore opportunities for advancement in social life. Worse still, as Alubo (2009:4) rightly notes: "[i]n the Nigerian experience, being an indigene or a settler is a permanent identity, as there is no provision for the latter to convert to the former". Herein lies the frustration of "settlers" and the clamour of "indigenes/natives" in the Nigerian federation. Struggle for power in such a divided identity-based political environment always tends to be intense, particularly when access to public office is based on competitive elections.

The indegeneity clauses accommodated in the 1979 and later 1999 Constitutions govern the federal government's thrust of accommodating diversity; it also fanned the embers of contestation and conflicts among the various ethnic nationalities in Nigeria. For the "indigene" question was carefully crafted and linked with the phrase "federal character". Reference to the concept of indigene in a legal document, which guides an unstable plural state like Nigeria, has a lot of implications on the nation and inter-group relations. Due to the multi-ethnic composition of Nigeria and the perception of the Nigerian state that political and economic contestations are the hotbed of politics at the federal level, the framers of the Nigerian Constitution entrenched the very basis of the "indigene" factor in the appointment of Ministers by the President in section 14(3) (Federal Republic of Nigeria, 1999 Constitution).

Little did they realise that a potential seed of discord had been sown in cosmopolitan cities and towns throughout the country largely due to the question of, who is an indigene? What qualifies a non-indigene to become an indigene in the area he was born and bred or even his forefathers? The result is that the notion of "indigene" has invariably received attention among the various ethnic nationalities in Nigeria and become another reference point in the already entrenched identity formation and politics in the country. Ethnicity

has also become an important criterion for participation in the public space and without a reference to it a "native" or "settler" is said to have lost his identity. The bitter pill of the native-settler violence is swallowed because of identity consciousness, which has been mostly felt in cosmopolitan cities throughout Nigeria due to the volume of social activities and interaction among different nationalities.

In the case of indigenes and settlers in Jos, perceived or real exclusion and the denial of rights and opportunities on the basis of identity makes politics a hot bed of contestation; a do-or-die affair as the winner, as expected, takes away the bounties of power and make it a fountain of clientelism and favours to his immediate social group to the detriment of the loser. It is in the contest of this scenario that one concurs with Nzongola-Ntalaja (2004) that the conflict in Jos goes beyond inter-group distrust on the identity issue alone, but is essentially the result of an age-long competition for political power and resource distribution between natives and settlers. As Bawa and Nwogwu (2002:110) aptly argue in September 7 2001, Jos crisis:

> In reality the crisis was more political and economic than religious. The violence stemmed from a long-standing battle for control of political power and economic rivalry between ethnic groups and between those labelled as "indigenous" and "non-indigenous" inhabitants of Jos. As grievances built up over time, all sides appealed to religious sentiments to manipulate popular emotions and eventually to inflame the situation to a level where it could no longer be controlled.

The contested terrain came to the limelight with the agitation for the creation of additional local councils in Jos by both settlers and indigenes. However, the conception of the type of local government to be created by the two groups differed remarkably. On the one hand, the Hausa/Fulani demanded a division of Jos into South and North, which will give them automatic numerical strength to wield power in any free and fair electoral context. On the other hand, for the Birom, the Anaguta and the Afizere, the creation of Jos North and South local governments would not change the apparent Hausa/Fulani hegemony over the indigenes and implies their

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perpetual subjection to "settler" control in the hot cake arena of politics in Plateau State (Best, et al, 2008).

The importance of Jos North in the power politics of the state lies in its strategic location as the main hub of trade and commerce and the abode of multi-cultural inter-group relations as well as the hottest arena for political parties to compete for the control of the council. For these reasons, the indigenes favoured the division of Jos into East and West in order to neutralise through 'divide and rule' the potential power base of the settlers. It was against this background that the military government created the Jos North Local Government Area in 1994. Not only the Hausa/Fulani carried the day when the local government was created in favour of their position but also one of their members, Alhaji Aminu Mato, was appointed the Caretaker Chairman of the newly-created Jos North Local Council. The appointment was seen by the Birom, the Anaguta and Afizere as a pre-conceived political strategy by the military government to empower the Hausa/Fulani, the 'settlers', to gain access to job opportunities and the power to override 'natives' in their soil. On the other hand, for the Hausa/Fulani 'settlers', the appointment was deserved for a group, which has dominated the population of Jos town for a long time, but is politically marginalised in the political process of Plateau State. In a swift reaction, the natives took to the street, protesting the action of the federal government and in the process attacked the Hausa/Fulani. The ensuing clashes between the two groups led to the explosion of violence in Jos in 1994.

The snowballing effect of the 1994 violence had led to spiral of conflicts between the natives and settlers in 2001, 2002, 2004 (February and May), 2008 and 2010 (January 17 to 20), respectively. From the past acrimonious relationship and the recent encounters of conflicts between the two conflicting groups, no one is left unaware about the causal relationships that ignited the spate of ethno-religious conflict in Jos (Ostein, 2009:2). In 2001, another crisis erupted in Jos. Before then, it was undoubtedly clear to any security-conscious person in the area that the underlying signs of tension, which could lead to violence, were visible. A few weeks before the

conflict, the federal government appointed Alhaji Mukhtar Mohammed, a Hausa/Fulani Muslim as the Poverty Eradication Coordinator for Jos North. Like the previous appointment of a member of the "settlers" as Caretaker Chairman, Christians also openly expressed their dismay, resulting into yet another round of conflict between natives and settlers.

As if that was not enough and when the healing process of the crisis was on course, specifically on Friday 7th, September, 2001, a Christian woman walking through a street in an area in the capital city known as "Congo-Russia" also called *Chwelnyap* encountered a Friday prayers barricade traditionally mounted by Muslims every Fridays mainly between 1.00pm and 2.00 PM in order to prevent vehicular and other movements during prayers. An altercation between the woman, who insisted on crossing the barricade, and Muslim youth, who prevented her, led to a brawl, resulting into a full-scale conflict when some Christian youth responded to the woman's call for help (Bawa and Nwogwu, 2002). In no time, violence spread with large scale killings and burning residences, churches and mosques by the youth members of the two religious groups, leading to the death of up to 1,000 people and the displacement of over 50,000 people most of whom sought refuge in barracks, police stations or school buildings (Bawa and Nwogwu, 2002:118).

Meanwhile, each conflict has its remote and immediate causes, but the underlying causes have been the grievances over the casualties of the preceding conflicts and the desire of one group to avenge the past loses in the crisis or its struggle to prevent access to power for fear of economic domination. Also important in exacerbating the conflict is that the Jos crisis permeated the entire Plateau State because it further raised ethnic consciousness, leading to a reconstruction of a Middle-Belt identity, "itself based on perception that the indigenous ethnic minorities had been dominated by Hausa/Fulani community in the control of commerce and politics" (Alubo, 2009). Against the backdrop of perceived insecurity in some Muslim-dominated Northern states following the implementation of the *Sharia* legal system in 1999, some Christians living in these

states migrated to North-Central states as their "comfort zones". Most of the returnees sought refuge in Jos and while there they developed an identity-based form of Middle-Belt consciousness, in some instances with hatred and suspicion against Muslims.

Two appalling waves of violence in Yelwan-Shendam, a town located over 200km from the state capital, on February 24 and May 2, 2004 further reinforced the argument that ethnic consciousness under the canopy of religion has to a great extent sown the seed of violence in Plateau State. In the first violence, it was alleged that Christians were attacked by Muslims without any provocation when the latter swooped on the former during prayers in the Church of Christ in Nigeria (COCIN) (Alubo, 2002) and killed about 100 people 67 of them in the church, while the latter was a reprisal attack on Yelwan-Shandam by Christians, who swept almost the entire town, killing between 650 and 700 Muslims (Danfulani, undated, 3). According to the Global Internally Displaced Persons (2005:4), estimates of the number of internally-displaced persons by the 2004 crisis in Yelwa and other parts of Plateau State ranged from 40,000 to 258,000.

The struggle for power between the indigenes and the settlers is more pronounced in most of the conflicts that erupted in the Plateau State capital. With specific reference to November 28-29, 2008, the Jos North Local Government crisis, which was reported to have claimed the lives of 700 people, the question of who owns Jos and who should lead it as the most strategic and influential among the 17 Local Government Councils in the state was the major concern of the various groups. It was the declaration of the victory of the "native", the PDP Chairmanship aspirant with 92,907 polls, over his closest "settler" rival from the ANPP with 72,890 votes amidst alleged rigging by the latter that sparked the crisis. According to the Human Rights Watch (2009:7), Muslim authorities in Jos have registered 632 deaths, while Christian authorities documented 129. In all, the conflict left more than 1,000 people dead and property worth millions of Naira was destroyed.

The political economy undertone of the 2008 crisis is predicated on the indigenes precept aptly captured by Alubo (2009:13) that his status "is not a mere status but a status that begets specific political, economic and psychological benefits. Non-indigenes… are not entitled to certain political rights and privileges while indigenes are assumed to be". The crisis, which started as a political reaction to electoral misconduct, could have been averted but for the insensitivity of the state government and the Plateau State Independent Electoral Commission (PLASIEC), which announced the result of the election at the height of the crisis.

In contrast, however, the 2010 crisis emanated from the scares of the 28th November, 2008 crisis. It all started on Sunday, 17th January, 2010 in one of the streets at Gindin-Atili in the Jos Jarawa area when some group of "indigenes" stopped a "settler" from rebuilding his house, which had been burnt in 2008. Within 48 hours, the short ensuing feud between the Muslim youth, who attempted to rebuild the house and the Christian youth, who resisted the reconstruction had escalated into mass violence. Although there is no accurate figure of the number of casualties in this latest crisis due to politicised and contested estimates of the death toll, it is undoubtedly clear that the number of deaths as the Plateau State Commissioner for Information and Culture put it, was by far over 109 or 500 people reported by the Plateau State Police Commissioner or later announced by the state government (Interview with *Newswatch*, 2010:20), with many of the displaced persons scattered across up to 36 camps around the state capital (Nigerian CSOs Statement, 2010:1).

What is fundamentally missing in the analysis of the Jos conflict since the 1990s is the failure of commentators, analysts and scholars to squarely discuss its causes from its underlying political economy and the inherent contradictions it engendered on identity politics. What some scholars have done in their analysis of conflict in Northern Nigeria is to quickly describe the scenario as primarily religious (Gofwen, 1992) or ethno-religious (Yoroms, 2002). Without relating the context of the native-settler relationship within the dynamics of contestations over power and material values, a

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deeper understanding of the conflicts in Plateau State of Nigeria is overly overlooked. The 2008 crisis is a testimony to the fact that the configuration of power relations and the political economy of conflict between "indigenes" and "settlers" in Jos can best be appreciated in what can be termed as the chain of vicious circles of identity conflict encapsulated in political or religious egos. As access to power by one ethnic group automatically translates into the marginalisation and subordination of the other ethnic group, religious and identity questions are brought together to compound the crisis. If the 2008 crisis was certainly on political issues, what exactly informed the burning of places of worship and the PLASIEC compound as well as killing innocent people, including women and children and not politicians (Refugee Review Tribunal Research Response, 2009)?

From the cobweb of the intricate chain of the multifarious factors examined above, conflict is rooted in the perceived threat, real or imaginary, of the danger of domination by each antagonistic group. In reality, the outburst of the manifestation of the unresolved issues of native-settler relationship in Jos permeates into contested spheres of interests and values to each group of actors. Thus, any power relation that is not favourable to one group could lead to the perpetual domination and subordination of the other. Undoubtedly, ethnic groups in plural societies and within the political union of Nigeria's federal arrangement seek advantage over others in the political power equation. They also try to dominate other groups as they struggle for some form of independence or compete for either equal participation in the distribution of power or contest for marginal space in the power configuration of the federal and state governments. In Jos, "indigenes" have different rights from "settlers", resulting in the discrimination and inequalities of access to education, employment, promotion and access to human development opportunities that can bring social mobility. As Alubo (2008:10) notes:

> Central to the discrimination is identity politics and how different forms of identity are being manufactured to define and redefine the targets for violence. Sometimes it is religion, a

context between Christians and Muslims but more often, it is ethnicity. In its more visceral forms, ethnicity is further broken down into "indigenes", "natives" also called "son-of-the soil" versus "settlers" or "strangers".

Access to political power is perceived in actual sense as advantageous to the survival and development of an ethnic group. Hence, as Best et al. (2008:67) aptly noted, "political conflict in Plateau State can be easily appreciated against the background of the high stakes of power play or simply prebendal politics. The power elite is essentially a political elite, and its livelihood and sustenance comes directly from the relations of power rather than production". Consequently, any real or perceived marginalisation in the allocation and distribution of state resources stands to be a potential source of discontent, contestation and conflict.

The indegeneity question is not a peculiar phenomenon to Jos alone, but a recurrent feature in political, social and economic tendencies of the various ethnic groups in the country's multi-ethnic federal state (Jimoh, 2005; Best et al, 2008; Suberu and Osaghae, 2005). However, what is unique about the Jos conflict is its re-occurrence and lack of political mind-set on the part of the state government to contain it. Therefore, conflict in the area has become a recurrent decimal because once it happens, its healing process never takes long before reprisal attacks ensue. In recent times, the conflict has also attracted the attention of local and international media, sympathisers and human rights groups. In addition, the operational strategy of killers in the conflict has further exposed the level of the insecurity in Plateau State and leaves nobody in doubt that the Jos conflict is setting new trends in communal violence in the country largely due to its being seemingly endless. Three reasons reinforce this conclusion.

First, as a result of incessant conflict in Jos and deep-seated suspicion and insecurity among its inhabitants, particularly the conflict of January 2010, the Jos area and its environs have been polarised along ethnic and religious lines. Ever since then, two comfort zones have been inadvertently created: one for Muslims and

the other for Christians. The Muslim population of Jos town mainly finds solace living in areas like Angwan Rogo, Angwan Rimi, Nassarawa, Rikkos and the long Bauchi Road, while Christians define their comfort zone within Angwan Rukuba, Gada Biyu, Farin Gada, Rukuba and other outskirt communities. By this polarisation along an ethno-religious divide, interaction between the now distinct residents has been restricted, thereby profoundly reducing the scope of inter-group relations between Muslims and Christians in the state capital. The only inevitable interaction centre is Jos Terminus, an ultra-modern market, which was razed down in mysterious circumstances in 2002 and now operates in an open space in order to serve the needs of the population.

Second, there have been silent killings of victims and their secret burial in shallow graves, which further reinforce the state of insecurity in Plateau State. This phenomenon started in the aftermath of the Yelwa crisis of 2004 and since then has become notorious after each crisis in the area. Renewed vengeful secret killings are also known following the 2010 crisis. It has been characterised by waylaying innocent travellers along the Jos-Abuja federal highway by the youth militia of the two warring antagonistic ethno-religious groups, particularly along the notorious Birom town of Riyom, about 30 kilometres from the state capital. This has taken a great toll on road passers, mainly people identified as Hausa/Fulani. The crescendo of sporadic conflict has now taken the form of dreadful ambush attacks.

On 7 March, 2010, a vengeful attack by Fulani herdsmen on four villages near Jos led to the merciless killing of over 400 Christians at a town of Dogo-Nahawa and the neighbouring villages of Zot, Rasat and Kutgot, all located 10 kilometres south of Jos, in the Jos South Local Government Area. The timing of the attacks had changed from a broad daylight carnage to marauding victims in the early morning hours. For example, the Dogo-Nahawa attack occurred around 3:00 – 4:00 a.m. and on 17 July, 2010 an attack on Mazah village in Jos-North Local government, which claimed ten lives, took place between 1:00 a.m. and 2:00 a.m. when the inhabitants of the areas were asleep in the early morning. Secret

killings or guerrilla attacks occurred periodically without notice on the target communities or detected by security agencies. Worse still, sometimes the police and the military personnel charged with the responsibility of maintaining law and order during such crises were also themselves party to the extra-judicial killings of innocent people through indiscriminate shooting (Bawa and Nwogwu, 2002).

Third, conflict in Jos started as a civil unrest by residents armed with local weapons, such as clubs, sticks, bows and arrows and matchetes but today it has graduated into a full scale war-like violence with weapons of mass murder, such as high explosives, AK 47 assault rifles and grenades. On July 23, 2010, it was reported that the police in Jos had diffused a bomb planted in the house of one, Alhaji Shu'aibu Usman, in the Nassarawa Gwong area. The bomb was planted in order to prevent the house owner from renovating it after it was razed down in a previous crisis.

Fourth, crisis in Jos has a serious setback in the process of national integration in Nigeria's plural society, particularly in the Muslim-dominated states of Northern Nigeria. Each time there is conflict in Jos, tension rises and insecurity pervades the country because the issues involved are made to bear a religious dimension. For example, in Kano State, several hundred kilometres away from Plateau, a week after the 2004 Yelwan-Shendam violence, Muslims took revenge for the attack and killed more than 200 Christians residing in the state (Human Rights Watch, 2005:1). This kind of reprisal attack portends serious danger to the corporate unity of the country, as it is capable of leading to a broader national inter-religious disharmony.

The Aftermath of Violence: Federal versus State Imbroglio
In Nigeria, there has been a thin dividing line between the spheres of ethnic nationalities and the boundaries of public spheres. Therefore, both the state and federal governments always cover up their "incapacity" of managing conflicts in communities deeply divided along ethnic and religious lines by quickly resorting to blocking access to information about the true situation of conflict in the name

of preventing it spilling to other places. The result is that the failure of the ruling class and their military counterpart to resolve the Jos crisis and similar crises in other parts of the country has engendered incessant ethno-religious, communal and political violence in the country's process of nation building. In fact, the sociological basis of federalism, which is establishing unity in diversity, has been thwarted, so its precept, which in the case of Nigeria, can best be described as a contested rather than a settled issue. In some cases, rather than serving as a neutral arbiter, the state has done little, if any, to extricate itself from the inherent sentiments associated with identity-based conflicts in the country.

Over the years, successive Plateau State governors since 1999 have adopted a passive attitude to the spate of conflict in the state. In some cases, pre-conflict reports sending Early Warning Signals (EWS) are ignored, belittled or traded as rumours. The situation in Jos following the appointment of a non-indigene to the position of Poverty Eradication Coordinator suggested that the security situation in Plateau State was sending a "red alert". Threats to peace by both natives and settlers were not matched with pre-emptive security arrangement that could control any breach of law and order. This was evident in Jos 2002 crisis when Governor Joshua Dariye rebuffed the warning of impending violence and request for government's urgent attention by leaders of both Christians and Muslim communities, who wrote separately to the Governor. In short, despite the simmering of tension in the state, a week before the crisis the Governor travelled abroad, leaving behind serious carnage, which led to the death of over 1,000 people (Bawa and Nwogwu, 2005). It was in reaction to the Governor's action following the 2002 and later in the May 2004 crises in Yelwan-Shandam that the Federal Government led by Olusegun Obasanjo declared a six-month State of Emergency in Plateau State, leading to the suspension of the Governor and the imposition of a Sole Administrator to oversee the affairs of the State until normalcy was restored.

The fact that Dariye was suspended for complicity in the conflict, neglect of citizens, mainly displaced "settlers" who fled to refugee

camps in other states, and his unguarded utterances raised a lot of questions about democratic federalism in the country. The action of the federal government further divided public opinion in the country; it was viewed as inconsistent with the provision of the Constitution of the nation. Some others interpreted it as taking sides with or appeasing the badly-hit victims of the 2004 crisis, mainly the Hausa/Fulani, especially when a similar treatment was not given to Governor Ibrahim Shekarau in Kano whose state also experienced reprisal attacks following the Yelwan-Shandam violence.

It is worth noting that one of the questions raised by the incessant Jos conflict is lack of trust between the Plateau State and the federal government and the polarisation of public opinion in Nigeria. This polarisation is not limited to civil society and its various sectarian organisations but also public officials entrusted with providing security in the country. Again, this was the case after the 2008 conflict, which heralded the strained relationship between the Governor of Plateau State, Jonah Jang, and the then President of the country, Alhaji Umar Musa Yar'adua. The former had wanted to go ahead and swear the "elected" Jos North Local Government Chairman but was stopped by the President and when he went to the nation's capital, Abuja, to have audience with him over the security situation in Jos, the President did not give the Governor audience.

The imbroglio between the two was over the porous security situation in Jos and what the federal government seemingly considered the failure of the state governor to quell the violence in time. It was in this quagmire between the federal and the state government that Northern Christian Elders Forum (NOCEF) also accused the federal government of taking sides in the conflict. The background to this conclusion was when the federal government officials that visited the scenes of the 2008 crisis paid a courtesy call to the paramount ruler of Jos, the Gbong Gwon of Jos, and did not pay the same visit to Governor Jang. The Forum also alleged that the federal government delegates only visited some Muslims refugee camps and destroyed mosques but did not equally pay such visits to churches destroyed and displaced Christians in their camps (Ambe-Uva, 2010).

It needs to be stressed that the Nigerian Constitution prohibits state and local governments from establishing their own police forces and even though a state Governor is the Chief Security Officer in his state, the power to control security forces is bestowed upon the President and Commander-in-Chief of the Armed Forces. Be that as it may, the strained relationship between the federal and state governments led to the setting up of four separate Probe Panels (Federal, State, Senate and House of Representatives) to look into the remote and immediate causes of the 2008 crisis with the view to proffer tangible ways of diverting its re-occurrence. This is not to say that setting up of panels of inquiry was known after the 2008 conflict. In fact, over the years, governments (federal and state) have established at least 12 Commissions or Committees of Inquiry into various crises in Jos, as shown below:

Table 13: Judicial Commission/Committee of Inquiry Set up by the Governments (State and Federal) between 1994 and 2010 on Jos Crises

S/N	Commission/ Committee	State/ Federal	Place of Crisis	Year	Date of Report Submission	Commission/ Committee Chairman
1.	Commission of inquiry into Jos Riot	State	Jos North	1994	Jos North LGA	Hon. Justice Fiberesima (Rtd)
2.	Judicial Commission of inquiry into Communal Violence	State	Wase LGA	2001	May 2001	Justice Jummai Sankey
3.	Judicial Commission of inquiry into Communal Violence	State	Lantang North LGA	2001	May 2001	Justice Jummai Sankey

4.	Judicial Commission of inquiry into Communal Violence	State	Shendam LGA	2001	May 2001	Justice Jummai Sankey
5.	Judicial Commission of inquiry into Communal Violence	State	Quann Paan LGA	2001	May 2001	Justice Jummai Sankey
6.	Judicial Commission of Inquiry	Federal	Jos North	Sept. 7-14 2001	Sept. 2002	Justice Niki Tobi
7.	Federal Judicial Commission of inquiry into Communal Conflicts	Federal	Benue, Nasarawa Platue and Taraba States	2002	-	Hon. Justice C. Okpene
8.	High Powered Committee on Peace and Security in Platue State	State	Plateau State	2002	2002	Revd. Dr. Pandong Yamsat
9.	Private Peace Initiative on Southern District of Plateau State	Federal	Southern Senatorial District of Plateau State	2002	2002	Alhaji Shehu Idris the Emir of Zazzau
10.	Plateau State Judicial Commission of Inquiry into Civil Disturbances	State	Shandam, Lantang North and South, Wase LGA	2003	June 2003	Justice Felicia K. Dusu

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11.	Presidential Peace Initiative Committee on Platue State	Federal	Plateau ` State	2004	May 2004	Alhaji Shehu Idris Emir of Zazzau
12.	Federal Judicial Panel of Inquiry into Jos Crisis	Federal	Jos North LGA	2008 *	2008	General Emmanuel Abisoye
13.	Judicial Commission of inquiry into Jos Crisis	State		2008	-	Justice Bola Ajibola
14.	15-Member High Powered Presidential Advisory Committee on Jos Crisis	Federal	Jos North	Jan 17 2010	Interim Report 25/3/2010 Main Report 23/8/2010	First Civil Governor of Plateau State Chief Solomon Lar

- Note: In 2008 both Chambers of the National Assembly have also set up Special panels of Inquiry into the Jos Crisis of that year.

Indeed, the most recent crisis in Jos occurred while the Panel of Inquiry set up by the federal government was still sitting and shortly after the Bola Ajibola Commission of Inquiry established by the Plateau State Government had concluded and submitted its report. What is worrying about these reports is that the implementation of their recommendations is rarely done and those accused of complicity in the conflict or the failings of the security agencies in managing them have not been investigated and punished accordingly.

The inability to overcome the re-occurrence of conflict in Nigeria is not only a particular case of a rickety federal system but also a sign of state failure as a result of poor governance. This has added another social dimension to the conflict, that is, poverty in the wake of precarious living characterised by xenophobia and identity-based

social and economic discriminations. Poverty in the Northern Nigeria as in North-central states has been very alarming. In 2007, the Governor of the Central Bank of Nigeria (CBN) brought to the fore the magnitude of poverty in Nigeria. The report attests to international accounts on poverty level in Nigeria that even though most Nigerians were poor, the northern states were more ravaged by poverty. As poverty was deeply felt in the country from 43% in 1994 to 66% in 1996 and to over 70% in 2004 (World Bank, cited in Eze, 2002), unemployment, competition for scarce resources and patronage also intensified, among other factors (Refugee Review Tribunal, 2009). Similarly, even though there is no research-based indicators of poverty level in Plateau State, in particular, available statistics show that in the North-central geo-political zone where the state is located, the rate of poverty ballooned from 36% of the population in 1980 to 72% in 2004 (CBN, 2007).

Moreover, in the case of Jos, displaced persons who have not been resettled suffer severe economic hardships, while economic pressures necessitated by Middle-Belters, who settled in the capital of Plateau State, have added the severity of poverty and increased the number of impoverished persons in the area. A lot of victims who have lost their property are yet to receive compensation from either the federal or the Plateau State government; they only survive on the fringes of existence and sometimes only with relief materials sent to them by local and international NGOs. In some cases, even when access to these materials comes through the state government, very little of it gets to the internally displaced persons, as relief materials were diverted by public officials for their personal use (Bawa and Nwogwu, 2002).

In this way, violence could easily lead to poverty in the sense that resources, which could have been spent to improve people's welfare, are unexpectedly but inevitably allocated to provide and maintain peace keeping and its enforcers (Alubo, 2008). This partly explains why there have been reported cases of vandalism, burning houses and looting during and after the outbreaks of violence between Christians and Muslims in Plateau State. Fresh hope was raised with the assurance made by the then President Jonathan Goodluck on the

occasion of the submission of the 28-man Presidential Advisory Committee Report on Jos crises in August 2010. Unfortunately, the committee's report did not see the light of the day and was dumped like the ones before it.

The prospect of establishing peace in Plateau State depends on whether or not the issue of the indigene/settler dichotomy, which has been embedded in Nigeria's Constitution and has been characterised by injustice, discrimination and breaching national integration and sense of belonging, is addressed. Similarly, looking at the Committee's recommendations on the question of indigeneity, one can say that it leaves much to be desired. The Committee did not call for a return to the pre-2001 crisis when Jos "settlers" had access to indigene certificates and rights. Instead, the Committee recommends "pending Constitutional amendment, the extant policy approved by the Plateau State Government should be enforced". Thus, it is correct to concur with Baumeister et al (2007) that being socially excluded, as in the case of indigene/settler inter-group relations in Jos, has the tendency of preventing the human psyche from doing what it was designed to do. This is capable of producing irrational behaviours, such as violent acts. Therefore, the Committee should have recommended that the Plateau State should bridge the gap between the two groups, so as to make Jos serve as a model of implementing a residentially rather than genealogy based "indegeneity" while also calling for speedy constitutional amendments to cover every other parts of the country. In this way, social exclusion with its emotional distress, mental and physical illness can be overcome and social explosion as a result of deep-seated grievances averted in both short and long terms.

Overcoming the Phenomenon of Perennial Conflict in Jos
From the foregoing, it can be said that the Nigerian Constitution or to use Ostein words "the ambivalent state of Nigerian law" (2009:1) has further compounded the problem of the Jos indigene-settler conflict and clearly underscores the political economy dimension of the political-cum-ethnic or religious crises in Plateau State in general. The federal government should look into this crucial defect in the country's search for unity and national integration. The

experience of the United States federal system which allows for social mobility as a result of allowing equal space for political participation for all citizens irrespective of gender, religion, tribal or any label of social exclusion is an important feature of unity and national integration in a federal system. Nigeria should expedite action to amend her own Constitution to address most assertively the question of indegeneity.

Closely related to the above is the need to foster democratic federalism in a country that passed through three decades of military authoritarian rule with all its debasement of grassroots democratic politics. The practice of democratic federalism requires equal space for political participation without any regards for who is an indigene or a settler. In this way, good governance devoid of corruption can replace the politicisation of identity, a phenomenon that is essentially undesirable for a country that is striving to fashion a democratic system that will nurture a virile democratic culture for political participation on the basis of rule of law, freedom, equity and fairness. It is this type of political practice that has taken the United States of America to where it is today.

Furthermore, the Jos conflict requires more than the traditional forms of conflict resolution mechanisms like the South African model of Truth and Reconciliation Committee (TRC). This is because the healing process by victims requires some time to mature. Besides, the intricate factors that trigger conflict in Jos are the amalgam of politics, religion, identity, material values, ethnicity and other polarised insular tendencies of both the so-called indigenes and settlers. Therefore, TRC is needed in Plateau State when mutual trust is entrenched, the injustice of the previous conflicts have been addressed and massive campaigns by the government, the media and NGOs, particularly the faith and community-based organisations, are made on the necessity of the two antagonistic social groups to bury their hatchets. In other words, while the TRC is needed, it should be conducted with caution and sensitivity to the victims of the previous conflicts that always live with the scars of their conflict experiences. To obliterate their experiences of losing loved ones or property, such victims require counselling,

compensation with the support of the state and federal governments and rebuilding hope, which the TRC may not quickly provide. This undertaking will foster inter-governmental relations on peace building between the two tiers of government.

In addition, the current situation whereby state governments in the federation rely heavily on revenue given to them by the federal government is another salient concern that precipitates conflict in most states in the federation. The creation of Jos North Local Government in 1994 matters most to both indigenes and settlers because it is seen as the only conduit pipe through which patronage by means of corrupt practices can be extended to members of the ethnic group that eventually controls the leadership of the Local Government Area. In this way, access to the local government administration means brighter opportunities for social and economic advancement for one group at the expense of the other. Therefore, states and local governments should be made to initiate various means of generating wealth by encouraging all residents in the area to contribute and participate in productive economic activities that would lead to economic development without prejudice to anyone. This will further reduce economic dependence by the two tiers of government on the federal government as well as overcome the overzealousness of the political elite capitalising on the identity question to wreck havoc on social relations among ethnic groups through primitive political competition for power intended for primitive accumulation and the marginalisation of other social groups deemed 'foreigners' to the society.

In addition, since research-based finding on the Jos crisis (Scacco, 2008) have amply proved that youths are the perpetrators of ethnic violence in the area, there is also the need within the economically autonomous second and third tiers of government to cater for their employment as well as provide them with a hospitable ground for equal participation for social advancement in areas, such as education, commerce, agricultural development, public service and other opportunities. In this way, the provision of grazing reserves for Fulani pastoralists in Plateau State will go a long way in preventing

the Fulani/farmers feud, which is also ingrained in native/settler conflict in the state.

Conclusion

In multi-ethnic societies like Nigeria, the federal system of government is intended to provide maximum unity for the optimal management of diversity and the realisation of national integration and development. The failure of Nigeria's federal system to effectively manage diversity lies in its formative period of the federal arrangement and the failure of post-colonial and military regimes to address the ethnic question as the most easily resorted rallying point of identity politics and socio-economic contestation. Identity politics in the major multi-cultural towns and cities in the country has generated social exclusion, discrimination and marginalisation, as indigenes and settlers compete for social, political and economic development.

The case of Jos suggests that diversity only poses a problem to inter-group relations when the state is not managing conflict conscientiously. The amalgam of political, religious and economic interests has made ethnic identities a rallying point for contestation over who gets what, why and how. Reinforced by the Constitution, the indigene/settler question has become an albatross in Nigeria's federal system; it threatens peace, derails the process of achieving democratic federalism and causes insecurity in the already polarised society. Unless its constitutional basis is dismantled and a federal model based on equal opportunity for everyone resident everywhere in the country irrespective of social differences has been entrenched, the indigene versus settler dichotomy in places like the case study area is likely to threaten the corporate existence of Nigeria in the 21st century. The conflict is also capable of derailing the process of nurturing a virile democratic culture on the basis of a mutual social network, equity, political participation and tolerance as well as compromise and consociation. Conversely, if effectively managed, the multi-ethnic composition of Jos/ Plateau and indeed other multi-ethnic cities in Nigeria is likely to provide a model of the epicentre of development through integration and national development.

CHAPTER TWENTY-ONE

Herdsmen and Farmers Conflict in Nigeria: The Analysis of Inter-group Relations[1]

Introduction

The inevitability of conflict in human society stems from a myriad of factors the most pronounced of which is the obvious economic law, which states that the resources available in human society are scarce and the demand to satisfy human needs is high. The nature and dynamics of production and its associated social relations often breed social contradictions and eventually lead to conflict, with accusing fingers mostly pointed at the state and its systemic and institutional practices as well as its shortcomings in addressing the phenomenon of community conflict. Therefore, in federal states with a mega composition of social groups that share different historical antecedents, culture and practices, different modes of social livelihood, resolution of conflict or its management is not only a herculean task but also an enduring engagement, which requires well thought out measures that will nip in the bud the factors and forces in action that fan the embers of conflict. Hence, the ability of a federal system of government to address the challenge of protracted conflicts with its cyclical pattern of occurrence and enduring legacy of destruction and its awful and lasting scars depends on the ability of the state and other stakeholders to effectively and justifiably address the core issues involved in the conflict through a careful understanding of their dynamics and the salient forces involved. Suffice it to say that the triple crises of the Nigerian economy, politics and the national question have generated a lot of attention and apprehension over the possibility of deepened acrimonious inter-group relations that could

easily spell doom on the corporate existence of the country as a political entity.

One of the manifestations of these crises is the lingering existential conflict between Fulani pastoralists and farmers which has become a recurrent decimal in Nigeria today because of its character, which, as Abbass (2012) aptly captures, takes the form of "No Retreat, No Surrender". The conflict, which apparently defies every move by the state, traditional institutions and local community leaders as well as Non-Governmental Organisations to amicably settle, has permutated and graduated from northern states to include the southern states, thereby becoming a national issue on the front-burner of the country's national question. In terms of the scale of occurrence, the death toll and the destruction of property involved in the conflict are alarming. Perceptively, this has exposed the fragility of the Nigerian state and strips it of any pretences of controlling the situation. Worse still, the conflict is associated with other socially-related awful experiences, such as killing and maiming innocent persons, rape, displacing communities and egregious human rights violations.

Data on the total casualties involved in the conflict even from sources that are seemingly reputable are sometimes grossly exaggerated, making them unreliable. Nonetheless, the International Crisis Group (2017) posits that thousands of people have been killed. Its survey of open source reports suggests that the death toll in the conflict may have reached an annual average of more than 2,000 from 2011 to 2016. Indeed, according to the Institute for Economics and Peace Global Terrorism Index (2015), casualties attributed to Fulani herdsmen in 2014 alone totalled 1,229 (Gaffey, in *Newsweek* April 20, 2016). The country is said to have lost $14 billion annually to farmer-herdsmen clashes (Mercy Corps, in *Premium Times*, December 27, 2017), with a total of 2,500 people dead nationwide and 62,000 displaced in Kaduna, Benue and Plateau States between January 2015 and February 2017 alone (Former Head of State Abdulsalami Abubakar, in *Punch*, October 31, 2017).

Therefore, this chapter examines the protracted conflict between Fulani pastoralists and farmers in Nigeria. It raises, interrogates and answers the following questions: what are the factors that made the conflict complex and protracted? What are the politics involved in the conflict and its effect on inter-group relations? Why, despite the measures taken so far by the state and other stakeholders, have the measures not squarely addressed the conflict? In order to address these and other related questions, the chapter is divided into six sections. The first section is the introduction. In the second section, the chapter examines the conflict from the perspective of the national question in Nigeria with focus on inter-group relationships, while the third section examines the scope and dimension of the conflict with analysis of its embroiled political economy contexts and dynamics. The factors that fuel the conflict are discussed in the fourth section of the chapter. Section Five examines the role of the state and its actions, which, rather than help to address the conflict, in some cases further compounded it. Section Six concludes the chapter by arguing that the pastoralists versus farmers' conflict is the manifestation of the crisis of politics and economy and the inability of the Nigerian state to decisively address the question of fairness, justice and human rights in a fragile state.

National Question and Inter-group Relations
The practice of a federal system of government everywhere in the world entails some basic contradictions. This explains why continuous actions intended at resolving the burning issues of national integration and development always take the centre-stage of national politics in federal states. It is in this connection that one can emphatically claim that federalism, as a system, is a marriage of convenience that does not necessarily and automatically guarantee peace, but is constantly in search of it.

In plural societies that have dotted spots of 'marital estrangement' arising from numerous component parts and social groups, heightened tension and acrimonious relationships stand as the most recurrent decimal in the process of nation building. This is to say that a national question is a totality of the contestations that originate either vertically from the structure of the state or horizontally

emanate from social collectivities that make up a society. Its scope includes, but is not limited to, the real or imaginary perception of injustice, unfairness arising from resource allocation, victimisation or the suppression of the rights of groups, contradictions arising from leadership and the management of the economy or the country's legal embodiments, insinuations arising from the conduct of politics and the practices of moral and cultural values. Other pressures and actions that invariably affect domestic issues are the level of religious tolerance and accommodation, class, group or regional interests, the struggle for livelihood among social groups and the crisis of rising expectations and dashed hopes in addition to other external influences.

It is imperative to note that since the Sahelian drought of the 1970s and 1980s, there has been a steady rise in cases of farmer-herdsmen conflict in West African countries. Compounded by the lingering effects of climate change on the availability of water reserves and lack of access to one of Nigeria's richest foraging stock in the country, the North-east foraging grounds, due to the intensified activities of Boko Haram insurgents, the movements of the Fulani herdsmen to the far South becomes a survival strategy. In the face of increase in the stock value of the country's cattle population from 9.3 million heads in 1975 to 19.5 million heads in 2011, showing a growth rate of about 2.1% per annum, the prospect of feeding such a large stock of animals whose population stood at 22 million in 2016 lies in migrating further to the south (Fabiyi and Otunuga, 2016). Also, as pastoralists migrated into the fringes of the humid forest zone of the sub-region in large number, a new pattern in the scale of the conflict between Fulani herdsmen and farmers emerged, involving not only the Northwest states, the communities of Plateau highlands, the Mambilla Hills and some parts of Adamawa, the lower and upper Benue, but also the southern states of Nigeria emerged.

In short, the national question of any federal state is determined by the level of the tolerance of its component parts, government's disposition to justice, its perfection in averting or resolving conflict and its capacity take an independent action on matters of national

interest and its disposition to providing efficient system maintenance through fairness, equity, justice, equal opportunities and access to national resources. Perception of injustice is considered as a recipe for tension and conflict (Tanko, 2002). Social discontent is expressed sometimes violently and in some cases through permanent discord that epitomises ceaseless social antagonism, attacks and reprisal attacks, and a full-blown circle of conflict between communities and social groups. When this phenomenon happens, it is the intergroup relationship that becomes the most hardly hit. Inter-group relationship in the context of the farmer/herdsmen conflict is a product of the process of social interaction among groups; it is relational and mutational. It encapsulates the good, the bad and the ugly sides of the mutual relationship of people in a society.

As the natural outcome of social process and a state of being, intergroup relations tell more about the degree of consensus, conflict or cooperation in group life. In cosmopolitan cities, intergroup relations portray the extent to which the representatives of social groups interact, accept or reject each other. It naturally flows from the behavioural pattern of a social group living in a social organisation and their perception of socio-cultural, economic, political and normative values, which are, by and large, diametrically opposed to those of other people.

Inter-group relationship could be instrumental and detrimental to a society, depending on whether or not there exist effective and efficient institutions to mediate disputes. The manifestation of the condition of intergroup relationship is neither difficult to unravel nor hard to predict, as much as its underlying stereotypes and prejudices are overtly or covertly expressed. What is most important to note about this relationship is the body language of the interacting parties, the limits or boundaries of such interactions and the interest that each interacting party is advancing or protecting.

To a greater extent, intergroup relationship is manifested at different levels of social interaction prominent among which are inter-ethnic, inter-racial, inter-religious, inter-generational, cross-gender,

international and supranational (Okpeh, 2006). The major components of intergroup relations this chapter deals with is that which covers group relationship in community settings, that is, intergroup relationship that stems from community inter-occupational, inter-ethnic and inter-religious and cultural. Political factors are pigeon-holed into any of these relationships and used as a cover up, particularly in the context of the interplay of politically divisive issues or sometimes manipulated to the advantage of a group in conflict with another social group.

Furthermore, while sharing Suleiman's perspective (2012) that any discussion of inter-group relations must be contextualised according to the usual tripod trajectories of the historical processes of the pre-colonial, colonial and post-colonial epochs, our focus is not necessarily historical. Suffice it to say that in pre-colonial times the conflict between the Fulani and herdsmen was not the most visible skirmish that affected intergroup relations in Northern Nigeria. After all, the occasional inter-group discords that prominently featured in the region were territoriality and in most cases not sharply gravitated around the identity question (Suleiman, 2012).

During the pre-colonial period, various occupational groups in Northern Nigeria had their rivals, not rivals in the sense of engaging in physical confrontation or arch rivalry, but within the context of traditional jokes and joking relationship that promotes friendship and mutual support. Colonialism with its divide and rule tactics and the introduction of a new mode of capitalist production, which displaced the local subsistence economy, is responsible for sowing the seed of group antagonism. Similarly, the nature, patterns and dynamics of the post-colonial politics of exclusion, ethnicity and regionalism aided and abetted acrimonious intergroup relations. The manifestation of antagonism rears its ugly head on intergroup relations, among other burning issues in the Nigerian federation. Like other "settlers" everywhere in the country, nomads who migrated southwards and have been there for many years begin to swallow the bitter pill of politicization of ethnicity in the face of simmering antagonistic relationship, which has developed over years as a result of competition over land possession and control.

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Understanding the Scope, Issues and Geography of Fulani Herdsmen and Farmers Conflict in Contemporary Nigeria

Conflict is a multifaceted concept in the social sciences. The concept is difficult to define concisely, but its basic elements can be aggregated to give a holistic understanding of what it means and how it manifests from one situation to another. According to Janowitz (1970), conflict emanates from clash of goals, whether personal or social. In either case, conflict is relative and wherever it occurs the factors that make it happen are inevitable, sometimes without early warning. This is obvious because the factors that bring about disagreements are many and varied. Therefore, as Alemika (2002:1) succinctly notes, "social conflict is a product of antagonistic interest between two or more opposing forces or groups within the society". He further identifies two forms in which conflict manifest itself. These are from *avoidance* to *warfare* between groups at extreme ends. These forms are manifested in form of criminality, secession, terrorism, kidnapping, civil disorder or disobedience, kidnapping, riot, military coups, theft, rape, destruction of farmlands or cattle rustling. What really makes a conflict situation take the form of cyclical and endemic nature is the struggle over means of livelihood. In other words, economic issues that give rise to conflict could easily take different forms. These forms could be overt or covert. They normally operate within the conflicting parties or outside them, depending on the goals of its perpetrators. Exposing these incompatible goals and targets is dependent on the sophistication of theorists and their level of analysis. It can be said that while the causes of conflict are easily traceable to the irreconcilability of human interests, economic motives being the foremost, the consequences of conflicts are unpredictable (Mohammed, 2017).

Locating the geography of conflict between the Fulani herdsmen and farmers is very important in understanding the dynamics of the conflict in Nigeria. Although the conflict has a common denominator in the sense that two dominant social group actors are involved, farmers versus pastoralists, its remote causes are basically the same. Even if the immediate causes of the conflict are different, it can be said that the dimension of the crisis changes from one area

to another, depending on the scale of occurrence and devastation involved in each case. By the 'geography' of Fulani herdsmen/farmers conflict, we mean not only the layers of the conflict and its ecology, its territoriality and dimension but also its causes and consequences in Nigeria.

As earlier stated, the conflict between Fulani herdsmen and farmers is as old as the history of modern African civilisation because the two conflicting parties earn a living in a system of social production that predates the formation of modern Nigeria, with both parties living together for ages and will continue to remain together for generations unborn. Specifically, the actors involved in pastoralist activities, as a particular mode of social and economic livelihood, are essentially Fulani herdsmen. They are originally the descendants of nomads from the Middle East and North Africa and are now found across West and Central Africa in an area stretching between Senegal to the Central African Republic. They migrated to different parts of sub-Sahara Africa with their herds in search of pastures and move from one place to another across the dry hinterlands of the region.

Numerous factors really pitch farmers and herdsmen against each other in competition for resources. Reviewing a coterie of literature on the subject of the farmers-herdsmen conflict, Ukamaka et al. (2017) summarise its causes as follows: the population growth of herds and the human, south ward movement of pastoralists into the humid and sub-humid zones; incomparable goals of the disputing parties; prejudices, stereotypes and negative perceptions of each other; climate change; the invasion of farmlands by pastoralists; the expansion of farming on pastures; indiscriminate bush burning by farmers; the blockage of stock routes and water points; freshwater scarcity; overgrazing fallow lands; burning rangelands; the defecation of streams and roads by cattle; cattle theft; extensive sedentarisation; ineffective coping strategy and the breakdown of conflict intervention mechanisms.

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In Nigeria today, one can identify two major theatres of the conflict between Fulani herdsmen and farmers - the North and the South. Each theatre can be understood within the context of the fault lines in the Nigerian federal arrangement. As conflict in each of the two theatres intensifies, it takes a front seat in the country's national question. In the first theatre, one can further identify sub-sectors of the conflict as follows: the Northwest, the North-east and the "Middle-Belt" zones. In each of these zones, the conflict occurs spontaneously and has become a recurrent experience with lasting scars on both conflicting parties. Despite the existence of traditional methods of conflict resolution mechanisms, such as customary courts and chieftaincy institutions, the conflict, which is mainly seasonal, has defied a lasting solution because its causes are essentially the result of competition overgrazing land and fresh water.

In the Northwest, the situation has not completely broken down the inter-group symbiotic relationship as it has done in the 'Middle-Belt'. This is to suggest that in the latter theatre other underlying factors are at play, as the Fulani herdsmen migrated southward and, in some cases, settled there in search of fresh grazing land and water. In most of the states in the Northwest geopolitical zone, religious or ethnic considerations in the feud are virtually absent. There is a thin dividing line between Hausa farmers and the Fulani herdsmen as a result of inter-marriages and the shared characteristics of Islamic values. The two social groups share a common religion and are traditionally mutually supportive, even though their cultures slightly vary.

Despite their dependence on each other, the inter-group relationship between Hausa and Fulani people are associated with and affected by some perceptions. The perceptions are mainly the product of stereotype and thus culturally embedded (Ukamaka et al. 2017) and also the result of the occupation of the Hausa kingdom by the Jihad of Othman Danfodiyo in 1804. Fulani Jihadists conquered the Hausa people and imposed the political and administrative institutions of the Sokoto Caliphate on their vassal states. Politically, the Fulani take pride in their leadership position and the propagation of Islam

in Hausa states. Socio-culturally but unintentionally, the Fulani absorbed the language and culture of the vanquished the Hausa people. This singular historical experience has brought about mixed results in intergroup relations between the Fulani and Hausa ethnic groups.

On the one hand, the Hausa people see the Fulani ethnic group whose nature of nomadic dwelling and sedentary lifestyles distance them from other people as unwise, while, on the other hand, the Fulani perceive the Hausa people as *Kado*, or outsiders. These perceptions notwithstanding, both see each other as their brother's keepers and neither of the two sees the other as a stumbling block to forging peaceful inter-group relations. After all, much of these perceptions are mainly found in rural communities where the two ethnic groups mostly co-exist in isolation from each other and undertake different modes of social livelihood as farmers and herdsmen. Moreover, in most of the rural and urban cities of Northern Nigeria today, this barrier is very difficult to notice due to shared religious identity and inter-marriages between the two social groups, which profoundly constitute a bridge building mechanism in their relationship:

> Intermarriages between the Hausa and Fulani has been a dominant feature in their relations for centuries to the extent that two identities are said to have become so mixed-up in the same polity that their distinct cultural traits have vanished over centuries – hence the controversial notion of Hausa- Fulani as an ethnic group (Suleiman, 2012:29).

Despite the existing social bridge builders in the relationship between Fulani herdsmen and farmers, nonetheless the two groups have in conflict over land for ages. It was as a result of the frequent clashes between herdsmen and farmers that Lord Lugard in the 1920s thought for the day when the nomad pastoral life would pass in Africa "as it has passed in other countries, and give place to village-owned lands…" (Cited in Milligan and Binns, 2007: 150). In contemporary Nigeria, farming communities in Sokoto, Kebbi, Zamfara, Kano, Jigawa, Katsina and Kaduna states seasonally clash

over resources with Fulani pastoralists for decades. Audu (2013) has pointed out that with fresh water scarcity in some parts of sub-Saharan Africa, which badly affects the semi-arid zones of the northern states, as evident in climate change with its attendant shrinking of wells, streams, rainfall and the hitherto flowing rivers, the situation has adversely affected farmers and herdsmen. The problems of fresh water scarcity and dry land do not only deepen competition between herdsmen and farmers in Northern Nigeria but also create a condition that leads to clashes on the slightest provocation in the North-west and North-east of Nigeria. Such clashes claimed 210 lives in Bauchi, Jigawa and Yobe states alone during the 1980s and 1990s (Milligan and Binns, 2007:145).

In contrast, because of the religious barriers, traditional enmity of the kind of "native" versus "settler" dichotomy, land issue, politics and religion and culture, the nature of intergroup relationship between Fulani herdsmen and the people of the 'Middle Belt', particularly Southern Kaduna, Plateau and Benue, some parts of Nassarawa, Kogi and Niger States, is acrimonious, highly adversarial, and, at best, mutually suspicious. In the 'Middle Belt', the Fulani are in the minority. They live as migrants for many years and are undergoing nomadic full-time cattle breeding with little, if any, reception from the people of the area. Since the 1820s, Fulani herdsmen started moving to the 'Middle-Belt and settled there because they were attracted by the ecology of the area, which is conducive for cattle breeding (Aliyu, 2015). Though their migration to the area was slowed down because of trypanosomiasis, their presence became much more visible in the later part of the century. Farmers, who are the predominantly indigenous people of the area, have always been wary of the encroachment of their farmlands by Fulani herdsmen and the destruction of crops caused by cattle grazing. Unlike in the first mapping of the geography of the conflict where the intensity of the conflict is not high, depending on seasonal circle and where conflict is relatively doused by social and cultural factors, the second case scenario is different.

Largely, farmers and Fulani herdsmen in the 'Middle Belt' used to live in peace but with persistent ethno-religious conflicts in the area

such hospitality disappeared. For example, inter-group relationship between Fulani herdsmen and Tiv communities in Benue State was cordial. Traditionally, the two groups see themselves as friends and cousins to the extent of exchanging jokes, as they agreed to live as friends. The Tiv call the Fulani *Upul* and the Fulani call the Tiv *Munchi*, a name given to the Tiv people after an incident involving a Fulani household (Hagher, 2013). However, as land competition increased the scope of hitherto minor scuffles over the encroachment of farmlands by Fulani cattle stock, the conflict escalated between the two dwellers. The conflict has today become endemic with reprisal attacks taking place frequently because of provocations from both sides of the conflicting parties. Inter-group relations between the two dwellers have become sour, as the local communities sometimes steal cattle from herdsmen. Herdsmen's reaction to the theft of their animals is devastating and punitive. It takes the form of collateral damage because they normally attack villagers and arbitrarily kill and set their farmlands and villages ablaze. In one of such attacks, more than 500 people in Agatu Local Government of Benue state were massacred in Alla, Akwu, Adagbo, Okokolo, Odugheho and Abagaji communities in March 2016 (*Independent,* November 6, 2017).

It is important to note that resource conflict of this nature is also greatly influenced by religion and politics. Therefore, the causes of the incessant conflict are complex and dynamic and the causalities involved unquantifiable. The spread of the conflict from the North to South-east, the South-south and the South-west respectively is not only bringing it to the front burner of the national question but also raises a lot of questions about the capacity of the Nigerian state to nip the lingering conflict in the bud. The ferocity of the conflict in the South is abysmally low and its main trigger is not essentially the result of land competition *per se.* The causes of the conflict are partly the outcome of competition over land and partly reinforced by the spiral effect of national politics, which in recent years further magnifies the North-South divide through heightened ethno-religious conflicts and the agitation for separatism, re-structuring and resource control. Hence, the local communities in the South react to the presence of Fulani in their midst with ethnic jingoism.

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Fulani herdsmen in the South are regarded as intruders, who foment conflict and create mayhem and, thus, have no moral justification or even the right to dwell on lands across the River Niger.

The general perception of the Fulani herdsmen in the South is that, as transitory migrants, the presence of pastoralists does not pose a serious threat to the livelihood of the local communities. However, as the dynamics of conflict between farmers and Fulani herdsmen gathered momentum in the North and spread to the South, the hitherto receptive approach of local communities towards the herdsmen changed. This came primarily as a result of the further movement of the herdsmen into the south with all its concomitant indiscriminate cattle grazing, destruction of farmlands, vegetation and wildlife habitats (Ufuoko and Isefe, 2009). For example, while lamenting the costly devastation of their farmlands, the Chairman of Ilora Farm Settlers Association pointed out that over 8,009 acres of farmlands were eaten up and destroyed by *Bororo* herdsmen in Oyo State between 2003 and 2016 (*The Nation*, April 1, 2016). Provocatively, the cattle of the Fulani herdsmen were waylaid and stolen by criminal gangs and miscreants in the host communities situated on the grazing routes, leading to some costly backlashes.

The hitherto friendly host communities have now turned into sworn enemies of herdsmen. Serial attacks on seven villages in Nimbo, Uzo-Uwani Local Government Area of Enugu State that left 40 people dead were recorded in Aril 2016. Other states that have been affected by Fulani herdsmen attacks in recent times include: Delta, Ondo, Ekiti, Cross River and Abia (*Independent*, November 6, 2017).

Worse still, the conflict in the south has, more than ever before, been exacerbated by the perception of their host that the Fulani people are closely associated with the Hausa ethnic group and this sentiment made the herdsmen vulnerable to attacks. Ofuoku and Isefe (2009:048) note that "the Fulani nomadic cattle rearers [sic] being a minority in host communities have a unique culture and strong sense

of solidarity, they are often isolated from the farming population", as the host are suspicious of their presence.

In short, as strange bedfellows, the Fulani herdsmen rarely inter-mingle or develop a strong interaction with the indigenous communities in the south. Thus, entangled with ethnic politics and reinforced by their being predominantly Muslim, the herdsmen also fall prey to host communities, who are predominately Christian. Even when there is ethnic conflict not of their making in near or distant places in the county, herdsmen become the chief target of attacks. As International Crisis Group notes:

> The spread of conflict into southern states is aggravating already fragile relations among the country's major regional, ethnic and religious groups. The South's majority Christians communities resent the influx of predominantly Muslim herders, portrayed in some narratives as "Islamization force". Herders are mostly Fulani, lending an ethnic dimension to strife (2017:3).

Though cattle rustling as an established phenomenon in the conflict is not confined to the southern region alone, it has become a recurrent feature of the conflict in the southern states in recent times and its boomerang effect has been the merciless reprisal attacks on local communities. Thus, the land issue is not a regular source of friction between the Fulani herdsmen and Ibo, Kalabari, Itshekiri, Yoruba or Urhobo farmers in the South as it is for the Tiv, the Agatu, the Hausa, the Birom, the Bachama, the Kilba, etc. in the North.

Forces that Fan the Embers of Conflict
There is a close, mutually dependent and socially cemented relationship between farmers and herders which many commentators overlook. Overlooking this solidifying relationship has further compounded the understanding of the comparative advantage each group has and the dependent nature of their means of livelihood.

Firstly, herders graze on farmlands that do not belong to them while the crop farmers depend on animal dung to improve their soil fertility. Conversely, Fulani herders require the calories produced by

crop farmers, much as the latter require the protein and dairy products from the former. Secondly, conflict between farmers and herdsmen has its collateral damage, as both sides of the conflicting parties are agents and victims of the conflict. This is to suggest that contrary to the popular perception propagated by some media outfits in the country that see pastoralists as tormentors and the affected communities as the victims of nomads callousness, both conflicting social groups are victims of their misgivings, relentless machinations, intolerance and lawlessness. Thirdly, for Fulani herdsmen who have scant, if any, knowledge of the prevailing system of land tenure, land is a common property that should be used without the consent of anybody. Similarly, since they do not have land ownership, the herdsmen have developed the attitude of 'no man's land', as they do not have any legal obligation to conserve or improve it. In cases where temporary settlement right is given to herders, they nonetheless overstay and, as time passes by, demand equal right of tenure and utilisation (Ukamaka, 2017).

The introduction of the Nigerian Land Use Decree in 1978 did not help matters on the issue of equal access to land opportunities for "settlers' wherever they live, including the Fulani nomads that live for a long time in Plateau, Benue, Kogi, Southern Kaduna and some states in the South. The law confers on states and local governments the authority to assign and lease land to indigenous farmers, who could obtain the "Certificate of Occupancy" (C-of-O), thereby marginalising the Fulani in the scheme of land ownership. This loophole in land ownership poses a serious dilemma not only to Fulani herdsmen, who are permanently excluded in the scheme of land allocation outside the purview of their localities or 'social comfort zones,'where they live as "settlers". In some extreme cases, the "settlers" are denied buying land even when the opportunity of land ownership through that means exists (Ezeomah, 1985, cited in Aliyu, 2015).

Deducing from the interplay of these three factors reveals that what makes conflict inevitable between Fulani pastoralists and farmers are complex existential issues, the breakdown of effective and satisfactory conflict resolution mechanisms, legal and constitutional

lacuna for an effective resolution of national question, such as "native" versus "settler" question, the practice of the country's land tenure system that does not take care of non-indigenous extractions and, of course, competition over land.

The conflict, which is often seasonal, has today become cyclical, endemic, sophisticated and pervasive. The dimension of militancy associated with the conflict today is partly informed by the involvement and proliferation of arms as a result of the conflicts that bedevilled most parts of Africa, especially Mali, Somalia, Chad, Libya, Sudan, and Central African Republic. The advent of the aggressive *Udawa* and *Bokoloji* pastoralists from neighbouring West African States has also added a new dimension to the conflict (Aliyu, 2015). The porousness of Nigerian borders coupled with the absence of measures that would prevent access to designated stock routes and grazing reserves in West Africa give the nomads a leeway of traversing the country's international boundaries at ease. These factors are responsible for the use of guns and other sophisticated weapons in the conflict and the form of banditry it takes with the use of mobile phones in coordinating attacks, a phenomenon hitherto not associated with pastoralism in the country.

At another level, the media has directly or indirectly fanned the ambers of the Fulani herdsmen and farmers conflict by either exaggerating the situation or labelling the Fulani nomads with various names. Photo shopped pictures of Fulani herdsmen in Central Africa and Kenya carrying Kalashnikov rifles are projected to mislead the general public as pictures of the Nigerian nomads, while atrocities of war victims elsewhere are sometimes captured in some dailies as atrocities visited on some local communities. International reports on the conflict are sometimes bereft of investigative journalism, as they mostly rely on local media reports and scant evidenced-based data that are mostly secondary to the extent of making generalisations. An example of such media propaganda is the listing of Fulani herdsmen as the fourth deadliest militants in the world (Idowu, 2017; the 2015 Global Terrorism Index, cited in *Newsweek*, April 20, 2016). While it is true Fulani herdsmen and farmers fight intermittently in the 'Middle Belt' zone,

particularly in Plateau, Benue and southern Kaduna with different degrees of assault, it is not always the same people that attack local communities. Communal clashes and armed bandits are branded Fulani herdsmen attacks, making it hard to distinguish the actual perpetrators of the atrocities committed. One such experience was the Zaki Biyam yam market massacre, which took place in Benue State on March 20, 2017. The initial news report had it that the killing was the handiwork of Fulani herdsmen, but investigation by the Nigeria Police thereafter reported that the wanted militia leader, Terwase Agwaza, a native of the state, led the armed gangs. This and many related incidents of attacks added another face to the conflict.

What really guides the perception of some commentators is the Fulani herdsmen proclivity to unleash serial mayhem on farming communities and their involvement in criminal activities in recent times. Their desperate resort to keep body and soul together in the face of dwindling prospects of nomadic practice largely because of the risk of cattle rustling, reprisal attacks by the farming communities and harassment by security agencies, some Fulani herdsmen have transformed their identity by indulging in criminal activities, such as kidnapping, invading innocent communities, rape and abduction. In places like Nassarawa, Benue and Zamfara states and some federal highways leading to Abuja, such criminal activities perpetrated by Fulani criminal gangs have damaged the reputation of the original *Fulbe* and his orthodox nomadic lifestyles. This is to say that, though criminal acts are not peculiar to Fulani herdsmen and their manifestations cannot only be found in a particular social group in the country, the upsurge in the involvement of the Fulani herdsmen and their kinsmen in such acts needs to be interrogated within the contest of the political economy of resource competition. It is based on the same understanding that one can also interrogate a situation where herders are kidnapped and asked to sell their cattle to pay ransom in order to live in peace with their host communities (National Secretary, MACBAN, in *Daily Post,* Friday 6, 2017). Thus, pigeon-holing the Fulani herdsmen socio-economic dilemma and indeed any of its related form within the context of the political economy of national question is the entry

point to the understanding of the delicate challenges Nigeria is facing.

Put differently, without isolating cases of attacks by restless communities, lack of investigative journalism and tribal sentiment among journalists involved has linked the Fulani herdsmen with the pre-dawn attacks in the hotspot areas of the conflict. This has been compounded by the fact that the media reportage of the conflict is mainly sensational, biased and highly unreliable, as attackers are labelled "unknown gunmen", "reprisal attacks by suspected Fulani herdsmen" or "armed bandits". The overall effect of such labelling has generated sentiments against the Fulani people in general, portraying them as violent and bloodthirsty. This sentiment has prompted the massive killings of the Fulani in Plateau, Numan and Mambilla in Taraba State, Southern Kaduna and some parts of Benue State. Indeed, more than ever before, the media have been reporting the Fulani herdsmen and farmers conflict with political, ethnic, religious and regional undertones, thereby exacerbating the already existing tension in the country by misleading people into believing that the conflict is an extension of the predominantly Hausa/Fulani ethnic group against the ethnic minority groups in the North or, at best, a North-South conflict for political hegemony.

The Role of the State and Relevant Stakeholders in Conflict Resolution

The conflict between Fulani herdsmen and farmers in Nigeria, which has been aptly described elsewhere as "a ticking time bomb which ought to be addressed promptly and decisively", seems to have continued unabated. This is partly due to its complexity and partly due to the fact that the state at the national level, whether under a Christian Southern leader or a Muslim Northern one, is seemingly taking a neutral stance, or adopting a cautious approach to it to the extent of its becoming a pervasive phenomenon in different parts of the country. Nonetheless, unlike other lingering or intermittent conflicts in the Nigerian federation, the Fulani herdsmen and farmers conflict has attracted the attention of various stakeholders. These include: the states, the nation and Non-Governmental Organisations (both local and international),

international agencies and community-based institutions. As an ecology resource conflict that predates the modern Nigerian state, efforts to address it through setting up grazing reserves as a strategy of preventing pastoralists from encroaching on farmlands was first thought out under the colonial state in 1909. The idea of grazing reserves did not see the light of the day in that period, even with Lord Lugard's writings in the decades of the 1920s, until its actualization in Jos area in 1942. Even there, pastoralist communities vehemently resisted the idea before it naturally withered away until after Nigeria's independence in 1960 (Milligan and Binns, 2007).

The post-colonial state in Nigeria, based on one of the recommendations of the World Bank study conducted in the late 1940s and early 1950s, introduced the policy of grazing reserves to settle pastoralists. However, it was not until the introduction of the Grazing Reserve Law of 1965 that the Ministry of Animal and Forestry Reserves and the Native Authorities were empowered to acquire "native" land and to reserve it for grazing. The policy has neither addressed the problem of the increase in the number of cattle and the issue of land and fresh water pressures, which induce Fulani herdsmen to move southward away from the semi-arid Sahelian region to the humid vegetation in the South. Even the Land Use Act of 1978, which vested local governments with the power to control and manage land within their territories, did not help matters on settling the incessant conflict between Fulani herdsmen and farmers. It further marginalises pastoralists and makes the *Burtali*, or designated stock routes, and grazing reserves a mere policy pronouncement because neither farmers nor herdsmen respect their sanctity.

Since the return to civilian rule in 1999, particularly with the renewed ethno-religious conflicts that permeated Jos, Plateau State and Southern Kaduna State and the land/communal disputes in the upper Benue valley, there has been an upsurge in the conflict between herdsmen and farmers. This is further compounded by the climate change induced desertification in the North and the Boko Haram crisis, which forced pastoralists away from the conflict zones

in the Northeast to the 'Middle-Belt' and the South. The result of all these pull and push factors has made the conflict reach a frightening level, leading to several calls and attempts by stakeholders to address the challenge.

Public discourses on the conflict have been capitalised to evoke emotive and the sectional exchange of words. Indeed, never before has the perennial conflict between the Fulani herdsmen and farmers generated emotive reactions than with the change of government in 2015, following the victory of President Muhammadu Buhari, himself of Fulani extraction, and later when Benue State introduced the Anti-Open Grazing law, which became effective on November 1, 2017. To date, the neighbouring states of Plateau and Adamawa are mooting the idea of following suit the controversial Benue pathway, which from every indication has its awful legal, constitutional grey areas, in addition to its ability to further deepen tension that is likely to affect the corporate existence of the country.

It is important to note that the Federal Government has in the past created commissions to investigate and come out with solutions to the conflict in the 'Middle Belt' states. To this end, committees of inquiry, such as the Presidential Peace Initiate Committee in 2002, the Federal Administrative Panel of Inquiry in 2008, the Federal Advisory Committee in 2010 and the Post-Advisory Committee on Security Challenges in 2012, were set up. In fact, much of the recommendations of these committees were mainly regurgitating the 2008 Grazing Bill sponsored by Senator Zainab Kure which proposed, *inter alia*, the establishment of a national grazing reserve commission; the appropriation of land across different zones of the country to be designated as grazing reserves and stock routes; and conserving and preserving the national grazing reserve and stock route for the benefit of nomadic cattle herds (Fabiyi and Atunuga, 2016).

One of the examples of the implementation of the policy was Federal Government's construction of grazing reserves and the delineation of stock routes covering 1,000,000 hectares in Jangere

village of Katsina State (*NAN*, cited in Aliyu, 2015:3) On its face value, the establishment of national grazing reserves looked promising but this has not answered the question of why previous attempts in that direction met their waterloo. The idea stems from the usual top-down approach to policy matters without the much-expected dialogue involving pastoralists and farmers in order to give their endorsement to it.

In fact, the idea neither addressed the root causes of the conflict nor its ability to take care of the dangerous outcome of limiting Fulani herdsmen cattle to a footprint that is much smaller than they are required to forage. Above all, any conflict resolution spectrum that does not take care of dialogue, understanding and cooperation through constructive engagement is bound to regenerate contradictions that wound endanger rather than engender peace. The idea of grazing reserves is even more pernicious to establishing hospitable intergroup relations that is seriously needed in most of the crisis-ridden areas of conflict between herdsmen and farmers, particularly Plateau, Nasarawa and Benue States. These are the states that have "native" Fulani nomads living in the midst of predominantly "indigenous" ethnic groups.

Similarly, most of the commissions of inquiry that have been set up to address the lingering conflict came up with laudable recommendations. Again, these recommendations have invariably suffered implementation deficit or were simply overlooked for political considerations. In some cases, the gap created by the inaction of the state created a room for public opinion without the scientific basis of making such arguments or concern about the delicate politics involved in the conflict. For example, in his contribution to the debate, a Senior Advocate of Nigeria (SAN) and activist-lawyer, Femi Falana, while cogently stating that the conflict between herdsmen and farmers was as a result of state's failure to address the problem, his search for a solution to the lingering crisis was paradoxically bereft of knowledge of the delicate constitutional implications of his position. In his words, "Farmers, like other citizens, are entitled to the protection of the right to life and property. To halt such wanton killings, *the primitive movement of thousands*

of heads of cattle from the North to the South should be stopped without any further delay" (emphasis added, quoted in *Nation*, October 27, 2015). This position is similar to the one upheld by the people of the 'Middle Belt,' as one of its spoke persons, Dr. Ayohol Ate, stated "the Fulanis should be restricted to their states in the far North of Nigeria" (quoted in *Punch*, October 31, 2017).

Therefore, it is not surprising to note that at the peak of the agitation for the Independent State of Biafra by the Indigenous People of Biafra (IPOB), more salt was added to the already worsened injury of intergroup relations in the 'Middle Belt'. But amidst the call from some youths in the south to force their state Governors to support the idea of sending the Fulani out of Southern states, Governors Ifeanyi Okowa, Rochas Okorocha and Nysome Wike of Delta, Imo and Rivers states were at the forefront of declaring such moves as unconstitutional. Citing Section 44 of the Constitution of the Federal Republic of Nigeria, the Governors reiterated that every citizen was entitled to move freely throughout the country. This singular action suggests that any orchestrated call directed at any social or ethnic group is politically motivated and has its partisan character and that the pathway to peace on the national question of Fulani herdsmen against farmers conflict is dialogue and concerted efforts by all stakeholders to support truce, dialogue and peace building.

The unfortunate call by Northern youth leaders for people of Ibo extraction to vacate the region before October 1, 2017 was warmly capitalized by the Coalition of Middle Belt Youth Forum (CMBF) under the aegis of the Middle Belt Renaissance Forum to ask herdsmen to vacate their region before the deadline (see *Daily Post,* August 19, 2017). In any case, the title of the Benue State's law on grazing, that is, "anti-grazing law" is itself indicative of the one-sidedness associated with a subject on the national question in the country. The title of the law not only creates the impression of targeting herdsmen alone, but also it does not provide any alternative option for them. In other words, regardless of the fact that there has been a mass exodus of Fulani herdsmen from Benue, it remains to be seen whether or not the law will provide a permanent solution to the conflict in the state.

What is often seriously forgotten is the fact that, unlike other conflicts that Nigerians and other African countries are familiar with, such as ethnic and communal conflicts, the conflict between herdsmen and pastoralists is occurring in most parts of Africa South of Sahara and the Central African Republic. Moreover, even within Nigeria, the conflict is endemic in all the Northern states of the country. It is prompted by the acute scarcity of resources. The situation is found in Zamfara State where Muslim farmers and Muslim pastoralists are engaged in the same conflict for survival; it is also the case of tension between Fulani pastoralists and farmers in Katsina, Jigawa, Bauchi, Kebbi, Nassarawa, Niger and Kaduna States. However, in a highly politicised society, such as Nigeria, the conflict narratives are in most cases not guided by informed analyses that take care of the synthesis between the actual phenomenon and independent commentary.

The fact that the conflict between herdsmen and farmers is a resource based one, which makes it necessary to search for a lasting solution to the crisis, with appeal to the need to enhance dialogue and strengthen relationships that have existed between the two interdependent groups. Similarly, without the necessary political will to implement, through dialogue, the reports of investigative committees on the conflict, peacebuilding will hardly be in sight. Efforts towards bringing the two conflicting social groups to dialogue have started under the initiative of the United State Agency for International Development (USAID) when its team visited the leaders of farming communities and Fulani herdsmen in Lagos (*Vanguard*, June 3, 2017). The proposed Fulani/farmers dialogue discussed during the visit of the agency's representative should be encouraged in the crisis spots of the conflict. This has to be complemented with the intervention of the federal, state and local governments and the NGOs working in the area of peace and conflict resolution.

Conclusion

Wherever the pastoral Fulani herdsmen and farmers co-exist, there is the tendency of conflict between the two social groups. It arises from competition over scarce resources, such as land and fresh water. The inevitability of conflict in such a socio-economic life condition is apparent. However, largely due to the weakening profile and decadence of traditional conflict resolution mechanisms and the failure of the state to discharge its constitutional responsibilities, the conflict between Fulani herdsmen and farming communities has escalated to the point where it threatens the very corporate existence of the country. In a plural society like Nigeria, where there is the degeneration of governance and the erosion of social institutions, the amenable ground for such type of conflict to generate is also inevitable. One of the contradictions generated by the herdsmen-farmers conflict in Nigeria is in the area of intergroup relations among hitherto peaceful communities that are believed to be centres of social interactions. With the apparent deficit in social contract among conflicting communities, ethnic, political and identity considerations have a field day in the orientation of the minds of their people.

Regardless of the emotive tendencies it has created, the conflict between Fulani herdsmen and farmers in Nigeria can be understood from the context of a plural nation state in search of integration, unity and development. The legal framework of the country is found in its Constitution (1999). One of the Sections (44) of the Constitution enables citizens to move freely and exercise their freedom of existence but paradoxically political, ethnic and regional lenses are used to erode justice, fairness, equity and equal opportunities for access to state resources.

Resource conflict is very difficult to manage let alone be completely resolved unless dialogue, accommodation, fairness, justice and equity are promoted and used to guide policy actions. The political will to settle such conflict needs to be cultivated and put into practice. Drastic measures needed to address the incessant conflict between herdsmen and farmers must begin with the understanding

of the delicate problems within the context of national security guiding principles.

Given the volatility of the issues involved in the conflict and the tension it has been generating since the return to civilian rule in 1999, the pastoralist-farmer conflict has now become a thorn in the flesh of Nigeria's development. Therefore, the problem requires a lot of synergy with other stakeholders, including state and non-state actors, the parties in the conflict, traditional institutions, community-based organisations, specialized NGOs, etc. to achieve a holistic answer to the conflict that has so far defied a solution.

The introduction of anti-grazing law in Benue State and the declared intention of some states to follow suit can only temporarily provide a respite but the action cannot completely address the burning question of getting lasting peace in an acrimonious environment. It is in the context of ensuring a lasting solution to the challenges of justice that one can concur with the idea of setting up special tribunals to investigate and prosecute offenders and compensate victims of the conflict in the country. Other measures urgently needed are the need to address the problem of media reportage on conflicts and other sensitive issues in the federation. Border security patrol, meant to control the influx of illegal migrants, will also help to check the proliferation of small arms in the warring hotspots areas of the conflic

CHAPTER TWENTY-TWO

Governance, Reconciliation, Rehabilitation, Reconstruction and Development - Defining Concepts for Definitive Actions in Northeast Intervention[1]

Introduction

Governance, the good type in particular, is the bedrock of sustainable development. In the area of peacebuilding, governance is the "barometer" through which all the key elements of progress are assessed. More importantly, in a conflict situation with its attendant physical, economic, social, psychological and environmental devastations, such as the ones currently being experienced in north-eastern Nigeria, following the dreadful onslaught of the Boko Haram insurgency, the successful execution of reconciliation, rehabilitation, reconstruction and development is dependent on the quality of governance and the readiness of stakeholders to constructively overturn misfortunes into a brighter future. For the Northeast is the theater of the insurgency activities that shatter the hope for the return of peace in the foreseeable future and also exposes the fragility of the Nigerian state against the centrifugal indoctrinated forces working against it. In deed, since the end of the Nigerian Civil war, never before a section of the country has faced a serious crisis of development and, therefore, needs urgent revitalization as the Northeast. There, violent conflict in the affected areas since 2009 has taken the lives of more than 20,000 persons. The security of persons has since been under threat, infrastructure devastated, families disintegrated and traumatized, economic activities destroyed and communities scattered and

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displaced and left with the dire need of pressing humanitarian support.

In general, the plight of the Northeast justifies massive recovery intervention, which the theme of this conference rightly captures in five strategic concepts – Governance, Reconciliation, Rehabilitation, Reconstruction and Development. The situation in the region unequivocally requires a holistic response that is equal to, if not more than, the type of the experience of the three-Rs project (Reconstruction, Reconciliation and Reintegration) after the Nigerian Civil war. This perspective is not in any way to exaggerate the plight of the victims of the Boko Haram insurgengy. Rather, it is directed at taking the issues head on at the time when the vulnerabilities of the people of the Lake Chad Region (LCR) require a drastic approach much more than theorizing.

The chapter is divided into five sections. The First Section is the introduction. Section Two defines the key concepts of the chapter and brings out the relationship between them while also emphasizing the importance of each in the rebuilding process of the Northeast. Section Three provides an overview, albeit in brief, of the general condition of the Northeast in order to set a background of analyzing the issues of reconstruction holistically. Section Five discusses the main issues and dilemmas of peace building in the Northeast in particular and Lake Chad in general. Finally, Section Six concludes the chapter.

Conceptual Framework
The operational definitions of the central concepts of this paper are quite very important for analytical purposes. Their analytical utility is not only revealing in terms of some of the causal factors that generate conflict in the Northeast but also its costs as well as the need for recovery strategies to address the situation.

Governance
The first major concept is that of governance. It is used to denote the responsibility of the trust accorded to individuals to preside over the

affairs of a society or organisation on the basis of certain defined principles of actions. The concept of governance has been ideologically loaded today because neo-liberal scholars and international development agencies have found it receptive as one of the philosophical underpinnings of "exporting" liberal democracy, particularly since the end of the Cold War at the tail end of the of the 1980s. The chief promoter of the idea of 'Political Governance' from this perspective is the International Bank for Reconstruction and Development (IBRD), otherwise known as the World Bank. Going beyond this conception, governance is conceived as different from government, even though the latter profoundly influences the former. Hence, our line of definition is the one that conceives governance within the ambits of power relations and contractual phenomenon, in which good leadership is expected to engender public good the security of lives and property, the redistribution of wealth and the sustainable development process to a society. Within the context of democracy, governance, encapsulates probity and accountability, due process and rule of law in the discharge of public responsibility. This conception implies that governance is about consistently finding solution to the challenges of development through the optimal utilization of the available human and material resources for the realization of public welfare, infrastructure, social services, security and development, among other measurement variables.

Reconciliation
The concept of reconciliation in peace building broadly covers the attributes of finding a lasting solution to the intricate factors that ignite conflict. It encompasses the search for truth, justice, forgiveness and accommodation in societies emerging from violent conflict. In our context of analysis, as both a process and an approach by policy makers, experts in peace building transformation and stakeholders, reconciliation is the application of the necessary available tools for the prevention and re-occurrence of violent conflict. In this process, reconciliation ensures the 'healing' of conflict trauma through mediation. This definition encompasses developing mutual accommodation between the victims and victimizers of conflict or formally antagonistic persons or groups.

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The restoration of amicable relations between ex-militants and affected communities is part of the reconciliation efforts recognize in the reconciliation process in the Northeast. In short, reconciliation is predicated on the logical argument that the patterns of relationships that produce and sustain conflict have to be addressed in order to allay the fears of the victims and allow for sustainable peace.

Central to the foundation of any sustainable reconciliation initiative is the creation of a climate conducive for the political, social and economic justice to flourish. One can agree with Lederach (1997) that the idea of reconciliation is an important meeting point between realism and innovation. However, the concept "is not pursued by seeking innovative ways to disengage or minimize the conflicting groups affiliations, but instead is built on mechanisms that engage the sides of a conflict with each other as humans-in-relationship" (Lederach, 1997:26). From this perspective, reconciliation as a peace-building mechanism is not expected to produce a static outcome but a dynamic process or most appropriately to use Lederach words, "a continuum that includes personal, relational, structural and cultural dimensions" (1997:135).

Rehabilitation
Rehabilitation is also a process that encompasses the use of resources to help conflict-ridden societies get back and keep or improve abilities for life sustenance. According to the World Health Organization (WHO) (2019), rehabilitation is a set of interventions needed when a person is experiencing or is likely to experience limitations in everyday functioning due to ageing or a health condition, including chronic diseases or disorders, injuries or traumas. In peace-building discourse, rehabilitation is a predetermined process of restoring communities, infrastructure and trauma afflicted persons back to their original or an improved state of being. Contextually, the use of the concept of rehabilitation in this paper transcends mental and physical "healing" to include the process of resuscitating or rebuilding social infrastructure, the rehabilitation of forcefully conscripted and repented Boko Haram militants and of derelict buildings. The most important underlying

factor in this conception is the process of making those disabled by violent conflict develop plans and set goals that are critical to their own condition for a start or the continuation of a normal life.

Reconstruction

Reconstruction is a grand concept in this paper because it represents a wider dimension of intervention that encapsulates all other concepts. It is defined as a comprehensive plan of rebuilding societies following violent conflict. Reconstruction involves various phases each of which is determined by the objectives it is meant to achieve in rebuilding physical and social infrastructure within a short, medium or long-term period, depending on the type and nature of such intervention. Reconstruction is not a time-specific activity because it is highly dependent on the availability and adequacy of resources. It may also be tremendously influenced by the cessation or prolongation of conflict. In other words, it is a complex process and is likely to span over a long period of time.

Development

The concept of development is fluid; its usage is determined by the context and ideological disposition of its user. It is a relative concept with varying dimensions and the specificity of elements. What is most important about development as a process of change is that it is an economic concept with positive connotations. Its usage in this paper transcends the measurement of the indicators of growth in macro-economic variables to include improvement in the quality of the life of a society. It involves the reorganization and reorientation of a society for improved performance, changes in attitudes and the ways of the thinking of the people to whom the process is designed to support. This is to suggest that the primary objective of development is to improve the living condition of the people and qualitatively make them the principal actors in the process of recovery (Mwinyi, 1990).

In the context of the North-East, development entails constructive efforts by the state at all levels, development partners, corporate organizations, communities and Civil Society Organizations

(CSOs), mostly NGOs, to poll their resources and deploy them to revamp social infrastructure and bring back socio-economic activities for sustainable peace and development (Ibrahim and Olu, 2015). The drivers of development from the perspective of the environment of violent conflict are found at two levels, top-down and bottom-up.

Generally, the relevance of the preceding concepts arises from their synthesis in the overall reconstruction project of the Northeast. Their interrelatedness suggests the necessity of a mutual relationship among stakeholders, who are the drivers of rebuilding peace and the promoters of development.

Conflict and Rebuilding Efforts in the Northeast
The Northeast Zone is one of the six geo-political zones in the Nigerian federation. It comprises of Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe States. These states used to be the pride of the country in terms of sustainable peace, the co-existence of amiable cultures, contribution to national economy and becoming the centre of Islamic scholarship and learning, commerce and trade. These unique attributes attracted people from far and near, particularly to the capital of Borno, Maiduguri. The Northeast region, as it is known under the defunct regional structure of the Nigerian federation, was one of the most productive regions economically (Gado and Wasiu, 2019), especially between the 1960s and 1970s. The region's food and cash crops production and huge cattle and fish markets along the Lake Chad Basin are some of the lucrative economic activities that flourished for ages.

However, despite these attractions, the key indicators of economic development reveal that the North-East Zone, especially its rural communities, is bedevilled by endemic poverty, epileptic healthcare service delivery and a low literacy rate, which a few years before the emergence of the Boko Haram insurgency stood at 42.2%, the lowest among the six-geopolitical zones (2006 Core Welfare Indicators Questionnaire, CWIQ Survey, cited in Sagagi, 2008). Nationally, the number of Nigerians living in poverty has been on

the rise, with 60.9% living in absolute poverty in 2010. In the Northwest and Northeast, poverty rates were recorded at 77.7% and 76.3%, respectively (Nigeria Bureau of Statistics, cited in BBC News, February 2012).

Undoubtedly, long before the Boko Haram conflict, which started in 2009, the Northeast had been in a state of underdevelopment and chronic poverty affected most of its rural communities. Security and governance challenges were also at the heart of the deteriorating state of government institutions in the region (UNDP, 2017). With every turn, the Boko Haram insurgency activities have compounded the already existing poor state of the region and dramatically added new dimensions to it. Its armed groups targeted all the six states in the region, with frequent strikes on the civilian population and heavy casualties incurred as a result, especially in the hard hit state of Borno. By mid-2014, the group was said to have gained control of large expanses of territory and declared a Caliphate estimated at 50,000 square kilometers (Ibrahim and Olu, 2015). In Borno, Adamawa and Yobe states (BAY), which have an aggregate population of 13.4 million people, an estimated 53% of their inhabitants required humanitarian assistance in 2019, more than 22% of the population was estimated to be food insecure, with acute malnutrition, especially among children under the age of five years (OCHA, August 2019). The socio-cultural, ecological and psychological well being of the people affected by the insurgency are unimaginably awful.

Specifically, on the one hand, the human, social and economic costs of the violent conflict in the North-East are overwhelming. On the other hand, the staggering amount of money required to ensure speedy and meaningful peacebuilding through a comprehensive recovery and reconstruction programme is heart throbbing. The North-East Recovery and Peacebuilding Assessment (RPBA) Report (2015) indicates that the economic impact of the crisis, reached nearly US $ 9 billion across all the six states that comprised the zone, with Borno State accounting for two-thirds of the damage encountered. Adamawa and Yobe states accounted for US $ 1.6 billion and US $ 1.2 billion, respectively. Worse still, three quarters

of the overall damage is on agriculture, the main preoccupation of the people of the states, which account for US $3.5 billion. The conflict has resulted in more than 400,000 damaged and destroyed housing units 95% of which are located in Borno. A report from the official source has it that more than 1,500 primary and secondary schools in BAY states had been destroyed by the insurgency (*Punch*, May 4, 2018), with more than half of the children of school age roaming the streets and 60% of schools staying closed (Shettima, 2017).

Still on the human cost of the crisis, the United Nations High Commissioner for Refugees (UNHCR) report (2017) observes that insurgency has "remained the single greatest cause of displacement in the whole of the Lake Chad Basin region", with more than 2.3 million, as a result, becoming refugees, Internally Displaced Persons (IDPs) or returnees. To cap it all, 6.7 million people were estimated to be in need of protection and assistance in the BAY states, with a whooping sum of US $ 6.7 billion intervention needed in the stabilization and recovery phase (World Bank, 2015). Thus, the predicament of the people of the North-East as a result of the violent insurgency has aptly been captured by Shettima (2017), who euphemistically stated that their worsening condition was informed by what he called the "three bas": "Kasuwa ba, Kar ba and bare ba", meaning "no business, no education and no farming"!
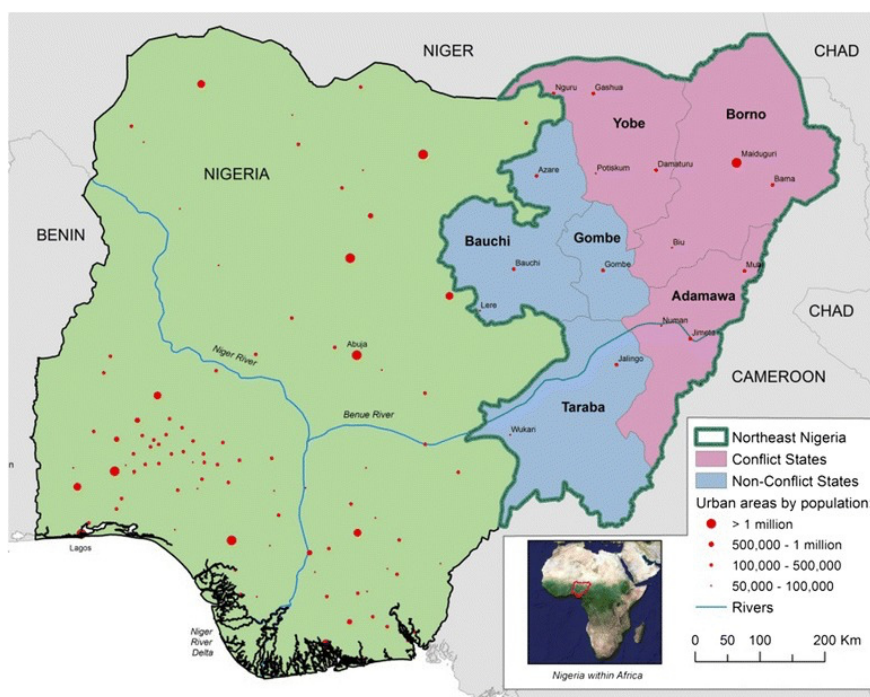
Figure 1: Map of Nigeria showing conflict states in North-East BAY States.

It is not surprising then that in the wake of the humanitarian disaster caused by the Boko Haram insurgency in the Northeast in particular and the Lake Chad region in general, aggressive interventions by the Nigerian state and the international community became inevitable. Although the federal government expected early response was frustrated as a result of the politicization of the conflict, yet this impressionistic disposition was later revisited when it became evident that the insurgency was making a frantic move to call to question the corporate existence of the country. This development not only heralded the government's proclamation of the State of Emergency in BAY the States, but it also followed up with the setting up of the Presidential Initiative for the North-East (PINE) in 2015 and the North-East Development Commission (NEDC) in 2017. Other interventions that were also directed at the rehabilitation and reconstruction process in the region include the Special Committees on the Distribution of Relief Materials, Special Committees on the Resettlement and Rehabilitation of the IDPs, the

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Victim Support Fund and the deployment of the already existing national agency whose mandate is the provision of succor to the victims of the disaster or conflict, the National Emergency Management Agency (NEMA). Of all these projects, the Buhari Plan of Action for the Comprehensive Reconstruction, Rehabilitation and Resettlement of the North-Eastern Nigeria and the Lake Chad that was launched in 2018 is the most ambitious. It sets aside $6.7 billion to execute its planned objective of the comprehensive rebuilding of the conflict-ridden Northeast.

At another level, the international community has put a special attention to the crisis in the Northeast, profoundly because of the collateral damage of the conflict in the whole of the Lake Chad region and its implications on the global fight against terrorism. Thus, international support for peace-building in the Lake Chad Basin is in form of the financial and the technical as well as the political (UNDP, 2018). This had compelled the United Nations Security Council to pay a visit to the Lake Chad and assess the challenges of the humanitarian needs of the people of the region in May 2017. The visit culminated in the Council's Resolution 2349, which provides a template for addressing the conflict and recommending the way forward in rebuilding sustainable peace and development in the region.

It is imperative to note that the efforts of the Nigerian government and multilateral organizations are complemented by various international conferences and summits, such as Oslo (2017), Berlin (2017), N'Djamena (2017) and Abuja (2018). In particular, at the Oslo Summit for Nigeria and the Lake Chad region, donors pledged a $672 million intervention; $458 of the amount for relief in 2017 and $ 214 million for 2018, respectively.

In general, the projects for the Northeast recovery intervention have been active and visible in the provision of relief to internally displaced persons. However these have been constrained by numerous challenges. The costs of rebuilding the Northeast are colossal because of the extent of the damage incurred. Although the

Nigerian government has announced that it depleted the insurgents, the dreadful activities of the insurgency through abductions, ambushes and suicide bombings persist, thereby overstretching whatever relief materials and humanitarian support are provided to the region. Similarly, beside the shortfall of the humanitarian assistance is the internal dynamics of the management of supplies and the poor handling of the reconstruction project itself. Other critical challenges are in the area of insecurity, overcrowding IDPs, tension in intergroup relations at camps and generalized poverty in the affected communities.

The Dilemmas of the Rebuilding Process in the Northeast

One of the contradictions of rebuilding peace in the Northeast is the incompatibility of goals and interests in the partnership of stakeholders. The dilemma in this contradiction is that conflict entrepreneurs within the state, NGOs and security operatives have taken advantage of the lingering conflict to get-rich-quick in BAY for what Mustapha and Goni (2018) called "accumulation by dispossession". Therefore, the reconstruction process going on in the Northeast has its unintended challenges. Surprisingly also, these have created new forms of capitalist relations in the frontline states, particularly in Borno State. This phenomenon has produced four groups of crisis entrepreneurs – state officials, the military, Boko Haram warlords and NGOs. The position of each group is determined by its privilege of public trust in proving humanitarian support and reconstruction initiatives or in fighting Boko Haram militants or in the latter's fighting strategies.

By its nature, primitive capitalist accumulation in Nigeria knows no bounds. It is informed by crass opportunism deeply embedded in the class character of some public officials. Therefore, whether in time of crisis, natural disaster, security threat or peace, the inflow of funds is usually translated by this class to mean a brighter opportunity for personal enrichment. The involvement of Chief of Defense Staff and the Office of the National Security Adviser's (ONSA) diversion of money meant to fight the insurgents is a case in point, which illustrates serious tension between national goals and individual interests in the scheme of crisis accumulation

(Mohammed, 2018). Public officials who are entrusted with public authority in rebuilding infrastructure in the North-East have overnight become profiteers through the award of contracts for the supply of relief materials or reconstruction projects. This was the case on allegations bordering on fraud, diversion of funds and criminal conspiracy to the tune of over N500 million against two companies (Josmon Technological Limited and Rholavision Engineering Limited) owned by the former Secretary to the Government of the Federation (SGF), Babachir Lawan. These companies were awarded the contract for the removal of evasive plant species and simplified irrigation through the Presidential Initiative in North-East (PINE). The grass cutting scandal, as it is widely known, is one out of many other dubious practices involving public servants either at the federal, state or local government councils on North-East humanitarian contracts. In some crisis affected communities, there has been persistent looting of humanitarian aid by local elites, as trucks full of food supplies and relief materials supplied by NGOs were diverted by local officials and influential political leaders. The case of 249 trucks carrying 10,000 metric tones of maize supplied by the Federal Government for IDPs in the Northeast in which 65 trucks were diverted illustrates this point (UNDP and NHRC, cited in Gado and Wasiu, 2019).

Peace building through the process of integration requires not only the reunification of families but also integrating them back into their socio-economic activities. That, of course, is another herculean task, as the Boko Haram insurgency activities in towns and villages uprooted communities from their economic livelihoods. By uprooting farming and fishing communities and the eventual banning of the latter from fishing, agrarian dwellers have been automatically taken away from their means of livelihood. They become overnight IDPs through forced migration from rural to urban areas with nothing but their insecure lives. In short, Mustapha and Goni's (2018) empirical study on political economy of violence in the Northeast shows that almost 75% of the displaced persons across the region have lost their means of economic livelihood. For example, the experience of the attack on Baga Town near the Chadian border in February 2015 led to the killing of over 200

people most of whom were fishermen. Survivors of the attack were forced to flee to neighboring Chad, Cameroon and Niger and their villages razed and burnt to ashes (Mustapha and Goni, 2018). To make their plight worse, the Multinational Joint Task Force (MJTF) and Borno State government had banned fishing activities around the Lake Chad Basin because the insurgents have hijacked the business and used the proceeds of the illegitimate trade to finance their insurgency activities. Although vehicles carrying out fish intercepted by the security were demonstrably set ablaze, security agents surreptitiously delivered into the same business with such intercepted fish (Discussion with anonymous humanitarian aid worker, 2019).

Figure 2: The Dilemma for Stabilization in the Lake Chad Basin
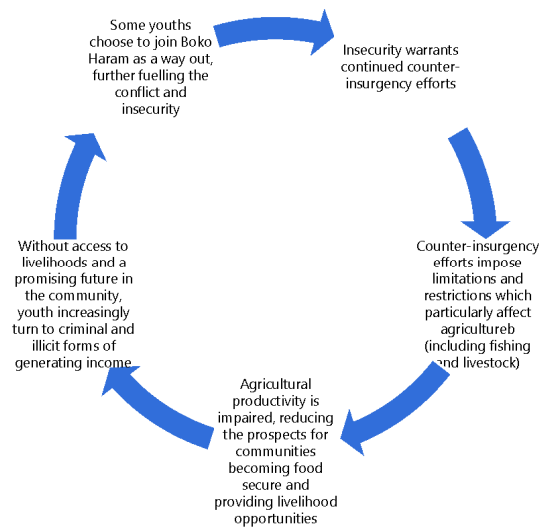
Source: Adapted from: UNDP "Perspectives from Local Communities on Stabilization and Building Peace in the Lake Chad", *Discussion Paper*, May 2018, p.9

Thus, the phenomenon of accumulation by dispossession has forced the agrarian communities in the Northeast more prone to poverty.

This is illustrated in Figure 2 above. The displacement of rural communities from their means of livelihood has forced them to live a life without a promising future. In the ensuing hard struggles for survival, some youths were compelled to join the Boko Haram as the last resort for succor. As the circle of conflict continues, so is the spate of attacks on communities and the pauperization of a large number of displaced persons, who eventually seek refuge in overcrowded IDPs tents.

In the IDP camps, peoples' condition is egregious. As of October, 2017, there were 1.6 million people displaced across the BAY states (Ani, 2018). By its nature, the Northeast is a multicultural region and a microcosm of pluralism in Nigeria. Largely due to the overstretching of humanitarian supplies in camps, the agonies of displacement and the shortages of basic necessities of life, intergroup relations have become steadily sour. Painfully, the IDPs austere condition, which has been exacerbated by the absence of the means of earning income, has increased the risks of social fragmentation. Signs of animosity have started to manifest amongst social groups, particularly along the lines of ethno-religious, social and other forms of social exclusion. This is actually one of the challenges of social integration and the peace-building processes in the region because "these heighten the risks of secondary conflict arising, unless peacebuilding efforts are put in place urgently" (UNDP, 2017:6).

The international sympathy the victims of Boko Haram attracted around the world has created a window opening for the massive proliferation of NGOs, largely because of the floodgate of financial support for humanitarian supplies by development partners and multilateral organizations. It is not surprising to experience, side-by-side with the humanitarian responses from local and international efforts, the phenomenon of conspiracy against the moral premise of social and economic interventions. The conflict-ridden areas have today become an Eldorado of some sorts for the operation of all kinds of Non-governmental Organizations (NGOs) that operate from Maiduguri as their base. It is little wonder that Maiduguri is nowadays facing high costs of rent for apartments and residential

accommodation more than the Abuja Business District. The influx of NGOs coming to render humanitarian services to IDPs has led to hike in renting property in the state. An apartment for rent to NGOs differs in size and location; the rates range from N1million to N25 million per year (*Daily Trust*, January 16, 2017).

One wonders, why the high cost of rent in the face of insecurity? The answer to this question is not farfetched. The influx of development partners into the Northeast has two objective characters. First, it is meant to provide humanitarian support as part of the global outreach in the support of people distressed as a result of conflict or natural disaster. Second, some non-state NGOs serve as spies or conflict entrepreneurs to frustrate peacebuilding while also pretending to be providing assistance to the victims of conflict. The suspension of Action Against Hunger and Mercy Corps from operating humanitarian support in the North-East was in reaction to their alledged subversive activities of aiding the insurgency in the region. Such NGOs take advantage of the crisis in the Northeast to get richer and clandestinely work against the country's security needs and requirements. Though the reconstruction and rehabilitation process does not literally have a specific end, some humanitarian NGOs are finding their presence very 'lucrative' in the troublesome state of Borno. On the other hand, estate managers are making money from their rent seeking property speculation businesses and would not dream of an end to the NGOs stay in their midst.

Another challenge is the fate of the ex-militant. The Nigerian government with the support of the International Organization for Migration (IOM) adopted Action Plan for Disarmament, Demobilization and Reintegration (DDR). This is designed to provide a post-amnesty reintegration program with vocational and formal education training opportunities for ex-militants. However, it has been pointed out that the program is beset with enormous challenges of implementation. Specifically, without building local support for the DDR, civilians are more likely to distrust returnees and defectors. Similarly, the reintegration plan does not take care of the large army of Civilian Joint Task Force (CJTF), totaling around

25,000 to 27,000 (UNDP, cited in Brechenmacher, 2018). Such fighters are said to be currently active in the Northeast region and their destiny in the post-conflict peace building is unclear. This group of civilian fighters has assisted the military in repelling Boko Haram attacks and in the capture of many of its fighters and a do not have any promising future or possibility of integration into state security forces.

In deed, there is the need for a clear-cut strategy for the integration and rehabilitation of the CJTF and ex-militants in the grand design of reintegration, which neither the DDR nor its sister program, Operation Safe Corridor (OSC), has taken into consideration. A serious challenge that surrounds the latter project is its emphasis on categorizing individual ex-militants as "low risks" and "high-risks". This division, as Brechenmacher (2018:2) observed, is blurred because the criteria is unclear about "who is cleared for rehabilitation, who is kept in detention, or who is informally released". The worst part of the crisis of integration is the fact that there are still a large number of people arrested and detained without trial with little or no connection to Boko Haram. In short, the OSC like its counterpart DDR lack a clear reintegration strategy.

Towards Effective An System of Governance for Sustainable Reconciliation, Rehabilitation, Reconstruction and Development
Generally, a comprehensive reconciliation, rehabilitation, reconstruction and development requires taking governance not only close to the victims of insurgents but also overcoming their distress through probity and accountability in the implementation of peace building strategies. Lack of transparency and accountability in governance had generated a serious crisis of rising expectations in the Northeast long before the emergence of the deadly Boko Haram insurgency in the region.

Similarly, although one cannot overlook the huge role of development partners in the rebuilding process in the Northeast, it is high time to appreciate the fact that such massive support is not permanent or sustainable over a long period of time. Considering the

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current trend in the conflict, which suggests that rehabilitating the economy of the region may take more than 20 years, there is the need to develop a more integrated community approach to the situation, in addition to developing further collaboration with humanitarian and development agencies. Therefore, the following measures are quite vital to the overall reconstruction process for a sustainable development approach.

First, there should be the continuation of collaboration between local and international partners to address a broad range of actions that are capable of providing the accelerated reconstruction and reintegration of displaced persons. And it is also high time to understand that the participation of donor agencies like the European Union (EU) and the UN and its specialized agencies, such as the United Nations Development Programme (UNDP) and the United Nations Economic and Social Council (UNESCO), among other lead partners in rebuilding the North-East, is essentially to support rather than replace the national and local supplies of humanitarian assistance.

The plight of the displaced persons in the region requires sustainability through the active participation of corporate individuals, groups and institutions. This is because rebuilding in the region requires not only the provision of social services but also the rebuilding of the social fabric. Emphasis should be given to reinventing measures that would reinvigorate economic activities through the redefinition of development priorities. This process will ensure far-reaching integration. Shettima (2017) has indeed raised this point when he called for a new approach that would take care of human capital development in the eradication of illiteracy and cyclical poverty.

Second, the prioritization of development is necessary in the Northeast in order to isolate short from medium or long-term interventions. Life saving supplies and the security of lives and property are required most followed by infrastructural development through the massive resuscitation of schools to educate children and

youth. Thus far, the effort of federal and state governments, particularly the Borno State government in rebuilding schools with the support of development partners, is commendable, but more needs to be done in this regard. Of particular importance in this regard is the empowerment of farmers to re-start their farming activities. Already the UNDP has started the initiative by empowering 1,300 farmers and 480 entrepreneurs to restart businesses in BAY (UNDP, 2018).

 Thirdly, there is an urgent need to promote a veritable climate in which human security can flourish and assure the displaced persons of safety. One of the prerequisites to reconstruction, rehabilitation, reintegration and development is security. Regardless of the degraded capacity of Boko Haram through military operations, the incessant coordinated attacks; abductions, ambushes and suicide bombings are reminders that it is not yet over until it is finally over. This explains why displaced persons find it difficult or near impossible to return to their hometowns. Most of these people, particularly in rural Borno, decide to remain in IDP settlements in local governments largely because of fear of safety against possible Boko Haram attacks. This is to suggest the need to continue to finance resilient and socio-economic projects while also reducing the risks of attacks against vulnerable communities. Reconstruction, rehabilitation and resettlement in the face of costly attacks rarely succeed in addressing the urgent needs of promoting community resilience within and across local government areas.

Fourth, there is the need to sanction institutionalized corruption within the agencies assigned to undertake various interventions in the region. Corruption affects reconstruction and is compounded by the ruling class notion of politics, which is essentially seen as not service to the public but as an avenue to riches, with the impoverished people of the Northeast made vulnerable to deplorable conditions. Therefore, while the gap between governance and its dividends to the people can be cited as one of the triggers of conflict in the region, it is not out of point to mention that the poor management of the conflict before and during the peacebuilding

process has compounded the realization of effective reconciliation, reintegration, rehabilitation, reconstruction and development.

Corruption in the Northeast also manifests itself among the security operatives who molest and extort innocent rural communities in the name of enforcement of security directives. The introduction of operation show your means of identification by the theater command of Operation Lafiya Dole in the Northeast has been standardized at checkpoints. Passengers who failed to produce their ID cards complained of being forced to pay a N200 fine (*Daily Trust*, September 26, 2019). Such actions are incompatible with the peace-building process and capable of creating distrust in civil-military relations.

Fifth, more mediation centres are needed for improved community cohesion and security. Through this process, animosities within IDPs can be checked and trust built among the displaced persons. More importantly, the approach is capable of accelerating the reconstruction of public infrastructure through a labor-intensive community-led process, which has been put in place by some development partners in the region.

Conclusion

Understanding the challenges of reconciliation, rehabilitation, reconstruction and development in the Northeast requires the examination of the failure of governance to prevent or manage conflict effectively. Although the issue of peacebuilding in the region is the collective responsibility of stakeholders, the Nigerian state shares the brunt of that responsibility the most. It can achieve this through partnership with stakeholders to avoid implementing consistently without the influence of factors that are inimical to the constructive rebuilding strategies of the region.

The plight of the people of the Northeast has for nearly a decade become unbearable largely because of contradictions between policy actions and proper implementation, lack of coordination and the poor monitoring and evaluation of the progress made in the fight

against the Boko Haram insurgency. The toiling masses in the region are paying a great toll because of the shortcomings of those who steered the leadership of their states in the past. The seriousness of the turn of events in the region since 2009 and the humanitarian needs of the victims of the conflict had attracted international humanitarian assistance on a scale unknown in the country. There is the need to coordinate this type of assistance and ensure that it is comprehensive and well prioritized. Corruption and its related forms among public officials and security personnel fighting the insurgents must be nipped in the bud in order to earn public trust and yield greater results in peace-building.

CHAPTER TWENTY-THREE

Human Rights and the Challenges of Governance in the Era of Change Mantra in Nigeria[1]

Introduction

Governance, particularly in a democratic setting, reinforces the need for human rights promotion and protection. Spectacularly, the extent of human rights observance by a representative government is not only one of the indices that are commonly used by political development theorists to assess the health of democratic process but also its depth and its palpability to bring forth its much expected consolidation. In fact, since the resurgence of the so-called Third wave democracies, the focus of theorizing on democracy has been on its degree of the accommodation and observance of rule of law, with human rights as the major gateway to understanding the nature of political engagement between the 'demand' and 'supply' sides of governance. This relationship is recognized the most by development experts and international agencies that tie their support to the emergent African, Asian and Latin American societies to the promotion and protection of human rights. In countries with a backdrop of human rights infringements, either under a one party system or military authoritarian rule, as in most African countries in the 1980's and 1990's, assessing the quality of democracy is, in part, equal as assessing human rights with all its attendant components. Thus, as one of the democracy assessment frameworks, human rights are essential components of democratic governance. However, if the

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experience of some developing democracies is anything to go by, we can say that there can be civilian rule without democracy, as there are conditions in which 'democracy' exists, elliptically though, without the respect for human rights. This explains why Bernard Crick (1983) not only defines democracy as "a liberal constitutional regime in which the rights of the individual are preserved even against a majority" (1983:65), but also adds that liberty itself can easily get buried by democracy and vice versa.

Nigeria has over the years since the return to civilian rule in 1999 passed through different civilian administrations. Each had its own share of human rights violations. The difference, if any, from those administrations is the style and intensity of such violations. Central to the underlying factors that made the successive civilian administrations abuse the rights of citizens is the esurient use of power to silence opposition and critical media houses and the over-zealousness of the security apparatus to "safeguard" the interests of the power that be on the ground of threat to national security. In some other cases, the Nigerian military in the fight against insurgency overstepped its legally bound limits and severely violated human rights.

The change in the mantle of leadership in Nigeria on May 29, 2015, which heralded the coming into power of President Muhammadu Buhari, had left no one in doubt about his readiness to change the business as usual character of the Nigerian state in its relationship with the civil society. One of the assured promises of the administration in its bid to sell the idea of a new dawn in various sectors of the country is encapsulated in its campaign mission, which was dubbed the Change Mantra. This has also been articulated in Buhari's speech at Chatham House in London, a few months to the 2015 general election when he vowed: "I cannot change the past. But I can change the present and the future. So, before you is a former military ruler and a converted democrat, who is ready to operate under democratic norms and is subjecting himself to the rigorous of democratic elections for the fourth time" (Muhammadu Buhari's Full Text Chatham House Speech, in *Daily Post*, February 26, 2015). In the area of human rights, rule of law

and constitutionalism, the change promised to Nigerians is nothing short of the practice of the rule of law with its attendant principles of no one is above the law expressed in President Buhari's 2020 New year message to Nigerians, when he said: "Our actions at all times will be governed by the rule of law" (President Buhari, quoted in *Sahara Reporters*, January1, 2020). Although the change mantra places a premium on fighting corruption, the government envisaged that it is meant to broadly affect every sector and institutions because its anticipated guiding principles include the rule of law, public accountability and responsive and responsible leadership, among other cardinal principles. Thus, leveraging on the existing political legitimacy and his popularity as a man of integrity, it was expected that the President, a retired military leader and now a democrat, would nip in the bud the vestiges of human rights violations associated with the country in the past.

Five years down the line, the Nigerian society has been faced with the high profile detention of persons without trial and disregard to court orders, which have apparently become a recurrent decimal in the country. In a motion passed by the Nigerian Senate in 2018, the state of the country's human rights records was aptly captured thus: "Nigeria's democratic credentials have become questionable as a result of the alarming cases of alleged state-inspired cases of human rights violations and consistent constitutional infractions perpetrated by agencies of government"(quoted in Bloomberg, July 11, 2018). International stakeholders whose mandate is to campaign for and monitor human rights around the globe have over the years become very critical of the administration's record of human rights. The United States, Amnesty International, the Global Impunity Index, the Human Rights Watch, among others, have indicted the Nigerian government for its human rights sliding. Specifically, their reports have at various instances accused the military and other security apparatus of total disregard of fundamental rights in their conduct of assignments and also observed their disregard of court orders and clampdown of journalists and peaceful protesters as well as threat to freedom of speech and association, among other human rights violations.

Therefore, this chapter sets out to discuss the extent to which human rights violations, which seemed to have been resonated in the period of the 'change' mantra, has posed a profound challenge to the process of governance and democratic consolidation in Nigeria. The objective of the paper is to analyze the context and process of human rights violations under Buhari's administration within the framework of power relations between the state and civil society, particularly when the former is frustrated over its failure to meet up with public expectations, particularly against the background of dwindling fortunes of the national economy, security challenges and weak institutional capacity to ensure social justice. The chapter is divided into six sections. Section One is the introduction followed by Section Two, which defines key concepts. In section Three, the paper discusses the background issues on human rights under civilian rule since 1999 in order to preview the underlying patterns of human rights violation and also bring to the fore that democracy and human rights do not coalesce automatically unless the rule law prevails. Section Four is the main body of the chapter in which the Buhari civilian administration's performance on human rights is assessed. Finally, Section Five examines the lessons of the human rights records of Nigeria since 2015. Finally Section Six concludes the chapter.

The Concepts of Human Rights and Governance
Human Rights
The concept of human rights has become, like its sister concept of democracy, a darling word in political lexicon essentially because it carries an element of the humanistic view of treating persons. Central to the discourses on the concept of human rights is not so about its definition as its applicability or respect and acceptability across borders, that is, in search of its universality. Regardless of any variation in the definition of the concept of human rights, one common understanding stands clear. That human rights are rights destined to be enjoyed by individuals inalienably. According to Martin " human rights are rights of persons in society, specifically in organized societies" (2013:59). This is to say that human rights are rights due to every person by virtue of his/her worth as a human being. The demands or claims of human rights represent man's

continuous struggles to determine his destiny on routine matters of freedom. These rights are constitutionally guaranteed when the law protects them and, as a result, they become known as fundamental rights.

Thus, the promotion and protection of human rights are not universal, but the search for their universality is, *ab initio*, what brought about the intervention of the global community to the idea of setting standards for societies around the world. This development explains why after the World War II their appeared to be a resurgence of universal rights, which culminated in the signing of the United Nations Charter (1945) and later, the UN's Universal Declaration of Human Rights (1948) (Martin, 2013). Therefore, the central question before us is to ask: are human rights the panacea for all the ills of democracy? The answer to this question is not far fetched because, although human rights aspire to be universal, the concept is also relative. Similarly, democracy, the umbrella that supposedly, theoretically as well as philosophically encapsulates human right principles, is not a common model to all societies.

Besides, the level of the institutionalization of democracy is to a greater extent a determinant of the extent of promoting and protecting human rights. Despite this relationship, although human rights is one of the frontline 'benchmarks' for assessing democracy and non-democratic societies, a democratic system of government, whether in its liberal tradition or socialist construct, is not always a guarantor of human rights (Mohammed, 2010). This point brings us to the issue of what helps society to secure the rights of persons, particularly from the state that overrides its interests. The answer to this question lies in the capacity of the society to express demands for these rights through constant struggle. It is within the context of this praxis that the now-defunct United Nations (UN) Commission on Human Rights adopted a resolution in 1999, entitled "Promotion of the rights to democracy", which endorsed a "right to democratic governance". This right encompasses a range of civil and political rights, such as freedom of speech and association, free voting procedures, free, fair and credible elections and the rights of citizen

to decide the type of governmental system they want constitutionally or democratically (Charleworth, 2013).

The scope of human rights is very extensive. It covers first generation rights (civil and political rights); second generation rights (economic, social and cultural rights); and third generation rights (environmental rights and rights of marginalised or indigenous peoples), respectively. Our focus on individual rights (political rights and civil liberties) is neither coincidental nor unintended. This idea is by no means meant to underrate the second and third generations of human rights. Rather, the goal is to situate the context of state limitations on the protection and promotion of human rights within the context of the principles of the governance system or ideals that democracy promotes. More importantly, although the right to the fulfillment of basic needs such as food, health care, shelter, security and education, among others, are the central, if not the most important, expectations of Nigerians since the return to civilian rule in 1999. Such rights are implied in the paper as some of the socio-economic needs that democratic governance has woefully failed to provide to stimulate the open expression of disappointment with the government. In reaction to this, the Nigerian state, which has become dejected because of its incapacity to provide adequate security and social service in the face of dwindling prices of oil and its impact on the economy, has further narrowed the democratic space of which the freedom of speech and expression has been the chief target.

Governance

The concept of "governance" is not new because it is as old as human civilization. Simply put, "governance" means: the process of decision-making and the process by which decisions are implemented (or not implemented). According to the United Nations Economic and Social commission for Africa and the Pacific (UNESCAP), 'Governance' means "the process of decision making and the process by which decisions are implemented (or not implemented)" (UNESCAP, 2009). Governance can be used in several contexts, such as corporate governance, international governance, national governance and local governance.

In short, the concept of governance comprises both input and output in decision-making processes. Thus, for the purposes of this paper, governance is taken to mean both a style of leadership and a process of governing a society by public officers entrusted with power as a noble cause for the maximum procurement of social services, maintenance of public accountability, transparency and responsible and responsive leadership. Governance is said to be good when the government is fully aware of its responsibility and recognizes the rights of its citizens. It is important to note that what makes the concept of 'governance' a daily concern of scholars in political development is the resurgence of the democratization process after the collapse of the former Eastern European Communists States, the rising tide of opposition to authoritarian military regimes and the search for the end of one-party dictatorship in Africa, Asia and Latin American countries at the tail end of the 1980s and throughout the 1990s and thereafter. The use of the concept has been further reinforced by the international donor agencies and neo-liberal states in their call for democracy and "good governance" as a precondition for bilateral and multilateral 'assistance' and 'cooperation'.

Although the term 'governance' has been subjected to liberal ideological interpretations, among other things, by adding the prefix "good" and, therefore, making it a normative term, it is defined as the process of governance that is participatory and all inclusive in not only promoting the cause of human capital development but also thriving on the basis of safeguarding the interest of the governed. This definition covers the process of policy making, implementation and evaluation. Governance should be good and democratic; that is so say that, the concept of good democratic governance is preferable to just good governance as elsewhere advocated in the literature of liberal theorists. Thus, apart from the attributes of governance highlighted above, good governance entails the rule of law, responsive and responsible leadership, equitable and inclusive government and effective and efficient government that is inclusive, participatory and consensus-driven. In short, good governance is about the political, social and economic dividends of democracy.

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Review of Literature and the Theoretical Construct on Human Rights

A survey of the literature of human rights suggests that the concept has attracted a lot of debate amongst scholars of varying ideological standpoints. This is obvious for a concept that is "suspicious" and "normative". The suspicious aspect of the concept arises from its origin and the advocacy for its universalization, while the concept is at the same time normative because it embeds some moral ethics in both theory and practice. Specifically, the inalienability of fundamental human rights suggests that the current debate on human rights transcends international boundaries to include the need to safeguard these rights. This assumption is premised on the real or imaginary idea that the state, left alone, cannot be trusted to protect the rights of all the individuals and groups within its territorial borders (An-Na'im and Hammond (2002). This is to say that the proclamation of human rights among the major tenets of democracy is, by and large, an attempt to safeguard human beings from the wrath of the state in order to protect their dignity or exercise what Amartya Sen (2004:320) called the "articulation of ethical demands".

Stackhouse (1984) argues that, although human rights are universal, its observance is regrettably not universal. Thus, from the standpoint of comparative religious ethics, Stackhouse conceives human rights as a universal ethic, which should be guaranteed by adopting universalistic guidelines. Hence, the drive for human rights promotion goes beyond the limited view held in its critique that it is an ideological weapon in the hands of western liberal societies to win what is called "rhetorical battles" in international diplomacy for political expediency. For Stackhouse, the central question is that because human rights universally ought to be believed, the obvious matter is whether or not its doctrines should become a creed. The difference between *doctrine* and *creed* is that the former "is a teaching, claim, or assertion", whereas the latter "is a doctrine held to be true, embraced with commitment, celebrated in concert with others, and used as a fundamental guide for action" (Stackhouse, 1984:2).

Concurring with Stackhouse but with a particular emphasis on what can be done to ensure the effective and acceptable realization of human rights as a creed, Robertson and Merrils criticize the cultural relativist school of human rights. They argue that those who are against the universalistic view of human rights are using such claims often as a smokescreen " behind which unrepresentative governments try to maintain their power and silence criticism" (1996: 13). While recognizing the cultural differences in the debate on the universality of human rights, Robertson and Merrils have further advanced that by calling for change in ideas and practices. These are expected to bring about the realization of the position of the World Conference on Human Rights held in Vienna (1993), which conceived human rights as "universal, indivisible, and interdependent and interrelated". It is in the context of this understanding that An-Na'im and Hammond (2002) recognize local variation in the practice of human rights. Regardless of these variations, they argue that the universality of human rights should be consistent with the validity of these rights, which can be achieved in two ways. First, is to accept the fact that the western origin of any idea, nay that of human rights, is transmissible and can be made universal. Second, those who are committed to the universality of human rights should work together to ensure its global acceptance through what Na'im and Hammond termed "cultural transformation", which they defined as " the "dynamics of change as internal processes of societal adaptation by a variety of actors in response to a wide range of stimuli at different levels, rather than simply the product of internal hegemony or external imposition" (Na'im and Hammond, 2002: 15)

The preceding review of literature suggests that human rights knows no boundary. It is today one of the yardsticks of measuring good governance. This understanding compels An-Na'im and Hammond (2002) to raise a point that protecting human rights is not a panacea for all the problems of any society or those of the global order. Nevertheless, they are very critical part of any solution to bad governance or authoritarianism. In a democratic government or any system that professes to be democratic, its legitimacy is highly dependent on human rights promotion and protection. The

inseparability of human rights and political legitimacy has brought us to the issue of governance. While democracy is a representative government that is guided on the principles of the rule of law, freedom of speech and association, religion and expression, among other underpinnings, its value preference lies in the ability of the system to make governance possible through the use of policy instrumentalities that benefit what utilitarian thinkers regarded as the greatest happiness of the greatest number of people. Any performance below the expectation of this maxim could cause a leader misadventure in governance because it s a social contract as far as democracy is concerned.

Governance enjoins political legitimacy. Anything short of this is likely to produce a legitimacy deficit. No scholar explains in clear terms the relationship between human rights and political legitimacy as Donnelley (2013), who sees a set of human rights as "a standard of political legitimacy". His argument is predicated on the fact that international or regional provisions on human rights like the Universal Declaration of Human Rights determine the extent of government legitimacy in the sense that their respect is indicative of government's willingness or capability to translate demands into policy actions. Respect for human rights is, in the eyes of the governed and stakeholders, legitimacy to rule and a sign of confidence reposed in leaders. Thus, claims for human rights are therefore seen as "merely expirations, suggestions, requests, or laudable ideas, but rights-based demands for change" and thus imply "a manifesto for political change" (Donnelley, 2013:12) and the need to revisit social contract between the state and society. Thus, we can finally sketch the application of this perspective to the 'obligations' approach put discussed in Jimenez's (1997 cited in Mohammed, 2010) four interrelated human rights discourses.

Jimenez (1997, cited in Mohammed, 2010) has identified four interrelated typologies in human rights debates. The first being the three generations approached discussed earlier. The second is the 'hierarchy of rights approach', which focuses on a hierarchical order of rights categories as follows: 'civil and political rights versus economic, social and cultural rights' as well as inviduals versus

group rights'. The third is the dichotomy of rights approach, which extols the virtue of the need to provide a distinction between 'fundamental' or basic, elementary and supra-positive rights (rights against racism, torture or slavery) and other forms of rights. The fourth, that is, the 'obligation rights' is a recent view of human rights whose focal point is the state. The point of departure here is that the state is seen as the chief violator of human rights and when it does so there is the need to make it more accountable for and of human rights. This chapter adopts the 'obligation' approach to human rights in order to explain the obligation of the state to the social contract it entered with the society for being elected into power on the assumption that it is to serve as the government of the people. The approach is plausible, considering the fact that social contract is consensual and has a strong correlation with freedom upon which the premise of human rights in a democracy rests. Nowhere is the relationship between the two concepts expounded as in the thoughts of Crick (1983), who in his own wisdom argues that "… people have every right to say that all government is based on consent, and there may be no harm in their saying so, so long as the small words 'all' is taken seriously" (1983:26). Hence, the hybridization of democracy and political legitimacy and the 'obligation' human rights approach forms the theoretical framework of this paper. It suggests that democratic governance is a contract between public officers who are duly contracted by the people to govern the society, and public officers, who are expected to use the machinery of government to engender public goods, protect their fundamental human rights and ensure the security and safety of all contracting parties. In this way, a slide to human rights abuses by the state is not only a betrayal of this contract but also translates as a gradual erosion of political legitimacy.

It is important to note that there are some limitations to this approach. Human rights wherever observed are vulnerable to specific threats in modern societies. Some of these are justifiable within the context of national security, as in the case of governments' order of a lockdown during the prime periods of the COVID-19 pandemic. Similarly, most governments are usually faced with a serious dilemma of striking a balance between the

preservation of their national sovereignty and granting rights to social movements or groups with the centrifugal agenda to express their demands. Despite these limitations, the 'contractual' approach to human rights and democracy and legitimacy in governance are very insightful perspectives that guide our analysis in this chapter. If anything, they capture the entry point of the government, as it promised change for Nigerians and governance on the basis of the rule of law, only for it to slide into abyss of abridging their rights to their dismay in the process of governance. Also, by not abiding by court orders and arresting or detaining journalists, civil society activists or leaders of social movements illegally, the Nigerian state consolidated its infamous assault on the fundamental rights of its citizens. It also compromised the social contract entered into with the society when the electorate across the broad spectrum of the society elected it in 2015 and later re-elected it with a landslide victory in 2019, respectively.

The Telescopic Overview of the Human Rights Abuses of the Past Civilian Administrations in Nigeria

The state and civil society relations that is associated with the ominous violations of the rights of the latter by the former predated Nigerian independence. Delving into the history of African societies, abuses of human rights abound and were mostly found expression in slavery, which was widely practiced in many African societies (Welch Jr., 1996). The scale of the slave trade in tropical Africa and its level of devastation are unparalleled. The trade continued in the years of colonial masters until, in the case of British colonies, it was prohibited in 1807 (Robertson and Merrils, 1996) and paved the way for the eventual consolidation of foreign rule. In fact, the occupation and the eventual creation of what is today known as Nigeria by the British colonial state was a direct abuse of the fundamental rights of the various pre-colonial societies to retain their autonomous existence as independent entities (Iyare, 2014). Thereafter, the consolidation of colonial rule had provided one of the most historically known systematic and consistent human rights abuses on the planet. After the British occupation of Nigeria and the subsequent imposition of colonial rule in the country (1900-1960), particularly following the imposition of the Indirect Rule system in

Northern, partially in Southern Nigeria, and in the East Warrant Chiefs and the government in alliance with the Native Authority introduced policies and measures that fitted the ideology of foreign domination. The actions of the colonial government could be considered the first scenario that paved the way for the creation of a huge gap between the state and society in Nigeria.

In its efforts to impose and consolidate the colonial subjugation, domination and exploitation, the colonial state had succeeded in fragmenting communities and violating the rights of the individual and opposition groups that came under its control. Through the introduction of Ordinances and punitive laws, such as the Forced Labour Ordinance, Unsettled District Ordinance Collective Punishment Ordinance, the Peace Preservation Ordinance and the Deposed Chief Removal Ordinance, among others, the colonial state was able to occupy the available space for itself to promote human rights violations. For example, the Unsettled District Ordinance of 1912 gave the colonial government the right to arrest and punish any person it considered of an 'undesirable character and reputation' (Ibhawoh, 2002:65). The obnoxious law was targeted at the activities of some educated elites, who at that time vociferously attacked the colonial administration, particularly on its disputes and litigation over land and commerce (Ibhawoh, 2002). Although political independence in 1960 had transferred the mantle of the leadership of Nigeria to post-colonial elites, it did not completely obliterate the legacy of the oppression and suppression of individuals and groups that joined the crusade for what can be described as the rudimentary form of second liberation struggles. For, human rights abuses resonated, at times with relatively low and high intensity, as a result of party politics and regional competitions for power. It is in view of this development that one can concur with Welch's standpoint on human rights in Africa, as this also relates to Nigeria, that:

> It would be presumptuous to place blame for the human rights abuses that have occurred on one factor alone. Rather, a combination of factors accounts for the problems in many states. Among these are historically searing colonial experiences,

> failures in the leadership of centralized governments, a high level of military involvement in politics, severe economic deprivation, cultural fragmentation, and weak regional means to promote and protect human rights. Lack of knowledge compounds the problems. *Without understanding the obstacles and opportunities confronting those who want to bring change, we cannot comprehend fully how justice can be achieved in Africa* (Emphasis added, Welch, 1995:4)

This attribution of the trend of human rights violations to the challenges of governance can be seen from Nigeria's First, Second and Third Republics and the successive military regimes in the country. With particular focus on the civilian administrations, they either mercilessly suppressed opposition or responded to communities with military onslaught, killing innocent civilians indiscriminately in the name of peace-making or the restoration of order. The memory of Tiv riots and the use of security agents by the Northern NPC government to restore 'peace' in the old Middle-belt region is a case in point. There, opposition members of the United Middle-Belt Congress (UMBC) were denied license to operate businesses in their communities and, in some cases, incredible taxes were imposed on the business activities of defiant opposition individuals and groups with some communities violently attacked and some community opposition members maimed and killed (Tseayo, 1975). The same atrocities were meted out on supporters of Northern Elements Progressive Union (NEPU) in Northern region by the same NPC led government in the region with a significant number of opposition hardliners either imprisoned, forced into exile or their parties denied the freedom to meet (Shawulu, 1990; Abba, 2007; Gwadabe, 2019). One of the NEPU stalwarts in Ringim, Mallam Ibrahim Illa Ringim, was imprisoned or illegally remanded in custody more than 75 times. On one occasion, his radical disposition against the establishment was responded to with punitive action of being forced to trek barefooted and handcuffed from his hometown, Ringim, to Kano and back, covering a total of 150 kilometers (Yusuf, 1978:32).

Specific legal frameworks or policy measures targeting citizens' rights during the civilian administrations are scarcely known since

independence. However, individual administrations that perceived citizens' demands as unrealistic or a threat to the status quo responded to the society or groups differently. Unlike under the successive military administrations when human rights violations were occasioned by the promulgation of Decrees and Edits, often introduced retroactively, with ouster clauses or draconian approaches (Mohammed, 2010), the situation is different from the experience of the civilian administrations. Human rights violations under the successive civilian administrations were mainly perpetrated by security operatives on the orders of the government in power in the name of national security. Sometimes, opposition individuals, political parties, media houses, civil liberty and human rights and pro-democracy activists, journalists, trade and students' unions, and to a lesser extent popular artists that appear critical to government policies are the targets of human rights abuses. Individual and civil society groups' channels of expressing their dismay with the process of governance are through peaceful protests or demonstrations in major cities, particularly in the seat of power, the Federal Capital Territory (FCT), or articulated their grievances in print and electronic media. In most cases, security agents respond to community violence fiercely, resulting in the violation of the rights of innocent persons.

The suppressive and repressive manner the security forces carried out operations is really a   terrifying experience. They invaded media houses, arrested or detained persons, often in a commando style, reminding the Nigerian society the scenario once passed through during the heydays of military authoritarian rule. The massacre of peasants following their resistance to the Bakalori Irrigation Project by the National Party of Nigeria's (NPN) led federal government in 1980 and the Odi and Zaki Biyam massacre by the civilian administration under Olusegun Obasanjo in 2003 are some of the encounters that easily come to mind.

Side-by-side with this mode of human rights violation is the tendency of the state to pose a threat to freedom of association and the suppression of peaceful protests and disregard of court orders. In one of the most bizarre abuses of the right to live as citizen of the

country, Shugaba Darman, an opposition member of the Great Nigeria Peoples Party (GNPP) in Borno State in the Second Republic, who was described as a thorn in the flesh of the ruling party (NPN) was served with an order of deportation from Nigeria by the Federal Government. As that was not enough, Darman was later physically thrown out of the country's borders into a neighboring Chad Republic without notice (Aguda, 1992).

With the return to civilian rule in 1999, expectations were very high that the nearly 30- years military rule and its poor record of human rights would give way to the era of the strict observance of constitutionalism and the rule of law as well as respect for the fundamental freedoms enshrined in the Constitution. The first impression the Obasanjo administration gave to Nigerians was his setting up of the Human Rights Violation Investigation Commission (HRVIC) to probe past human rights abuses. By ordering the commission to extend its inquiries back to the country's first takeover in 1966, no one would have thought his administration would open another chapter of human rights abuses. This gesture turned out to be a hoax intended to get further goodwill from the international community to support the new administration. In November 1999, six months after inauguration, the new civilian administration dispatched soldiers and mobile policemen to the Odi community in Bayelsa State purportedly to protect lives and property. Matters went to a head when the local communities killed twelve policemen deployed there, and in retaliation, soldiers and policemen invaded the community and killed as many as 2000 innocent civilians. The whole community was razed to the ground and to date no body among the security forces involved in the heinous massacre is prosecuted (Onwuazombe, 2017).

To cap it all, the HRVIC, also known as the Oputa Panel, which the President set up to investigate past human rights abuses, submitted its final report in 2002. The report was not released to the public until 2005 by two CSOs, the Nigerian Democratic Movement (NDM) and Nigeria-based Civil Society Forum (SSF) (Wikipedia, undated). In fact, it was not until 14 years after the Odi massacre that a Nigerian court ordered the government to pay compensation

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to the community to the sum of N37.6 billion, nearly $240 million, within three weeks (Murdock, VOA News February 2013). To date, the government has not taken any action. In a similar grand style, the Zaki Biam community in Benue State suffered the same fate in October 2001 when soldiers invaded the villages of Vasae, Anyiin Iorja, Ugba, Sankere and Zaki-Biam respectively to avenge the killing of 19 soldiers and in the process massacred more than 100 civilians. Other human rights abuses under the Obasanjo administration included police torture to which he has alluded during a two-day workshop on policing and human rights in 2005 (Human Rights Watch, August 22, 2005; Coker and Obo, 2012), extrajudicial killings and disrespect of court orders.

Although President Yar'adua's government was short-lived and his administration reputed to have demonstrated a strong commitment to upholding the rule of law, it was also found wanting in the area of human right infringements. This was made clear in a letter by the Executive Director of Human Rights Watch to the President marking his two years in office in which the organization listed, among other abuses, the violation of economic and social rights to health and education, political violence and state-sponsored abuses by the security forces, including extrajudicial killings and torture (Human Rights Watch, June 5, 2009). Under the President Goodluck Jonathan administration, Nigeria also confronted human rights challenges, with a culture of impunity by perpetrators who were never held accountable for their actions (Idowu, 2019).

It is imperative to note that so important are fundamental human rights that, in theory, the constitutions of many countries in the world have recognised the ideals of their promotion and protection. In Nigeria, these rights are entrenched in the country's Independence Constitution (1960) the Republican Constitution (1963) and the 1979 Constitutions. The Constitution of the Federal Republic of Nigeria (1999) also makes provision on fundamental rights; likewise the need to safeguard these rights by government is emphasized in the same documents. Also, the country is a signatory to the International Charter on human rights an is honor-bound to respect civil liberties. In particular, Chapter 4 of the Constitution, which

stipulates the fundamental rights of persons, listed these rights to as follows: right to life; right to dignity of human persons; right to personal liberty; right to fair hearing; right to private and family life; right to freedom of thought, conscience and religion, right to freedom of expression and press; right to peaceful assembly and association; right to freedom of movement; right to freedom from discrimination; and right to acquire and own immovable property anywhere in Nigeria.

The Chapter II of the Constitution provides for Fundamental Objectives and Directive Principles of State Policy, which also recognizes second-generation rights, or Economic, Social and Cultural Rights. In reality, these rights are not sufficiently respected even in countries that represent a model of democracy to other countries. However, the extent of the respect for these rights changes from one country to another, depending on the level of the institutionalization of the values of freedom. The central question arising from the preceding overview is: why abuse citizens' fundamental rights in a 'democratic' political system that is theoretically, philosophically and constitutionally expected to promote and protect those rights?

A deeper reflection into the political dynamics of civilian administrations in Nigeria would reveal that governments abridge human rights essentially in order:
(1) To protect neo-liberal policies, foreign investment or the interests in the local economy;
(2) To allow easy passage of unpopular political, social or economic reforms and measures;
(3) To safeguard power under the threat of opposition parties, civil society or its robust organizations that constantly struggle for better societal change;
(4) To subdue criticisms from the critical individual and groups that have differing political beliefs with the state of governance;
(5) To overcome frustration over worsening economic woes and the incapacity of the state to resuscitate the situation and reclaim its lost glory or the confidence reposed in its governance process;

(6) To shy away from the crisis of legitimacy; and
(7) To use brute force to scare or gag popular forces or bring mass movements to order.

Human Rights and Governance in Nigeria since 2015: A Twist of Change?

Regardless of the type of political system and its institutions in the 59 years of Nigeria's independence, as evidenced in the preceding section above, the state has at various periods posed a serious threat to human rights promotion. Whether under a military or civilian administration, one can observe the violation of human rights, especially when civil society, individuals or groups threaten, real or imaginary, the existential bases of state power. By its very nature, military rule is undemocratic, unconstitutional and characteristically authoritarian in its approach to society. The examination of the nature of human rights violations under Nigerian military rule has been overbeaten by scholars (Aihe, 1971; Jega, 1994; Momoh, 1995; Ajayi, 2017) and needs not detain us. However, what is crucial for us to note is that the country had passed its most stupendous violation of human rights under the military rule than in the successive periods of civilian administration.

A cursory analysis of the public opinion discourse before the inauguration of Muhammadu Buhari as the fourth President in Nigeria's Fourth Republic on May 29, 2015 would reveal the perception of Nigerians about what his style of governance would look like. The discourse offers us with tree distinct but related schools of thought: the pessimists, the optimists and a trade-off school between pessimism and optimism. The pessimists averred that Buhari's military background like that of his predecessor, Obasanjo, would guide his actions in the process of governance and that in his pursuit to change Nigeria from its past maladies he has to rule, as he did in the past, with an iron fist. Doing so will enable him to curb corruption, revive the economy and successfully fight the insurgency, but in the process he would not give a damn about human rights. This perspective does not take into cognizance the differentials of the system of government Buhari ran as military

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ruler (1983-1985) and the one he was about to that is democracy. In the latter, constitutionalism and fundamental freedoms are respected and democratic institutions, including the legislature and the executive, provide checks against the executive in case of the usurpation of power.

The second school stressed this very point and went ahead to argue that as a repentant dictator and now a democrat whose popular support came from the downtrodden masses, Buhari would respect the Constitution, work within the prism of democratic governance and observe the rule of law and guarantee human rights. This school of thought essentially perceives the democratic process as the major hurdle to authoritarianism, forgetting the theoretic standpoint of political development scholars that, whether with or without military background, a leader elected into power through a democratic process could turn out to be undemocratic in some cases, abuse human rights and relegate the principle of the rule of law to the background for political expediency. After all, democracy is not always a guarantee to human rights promotion and protection.

The third perspective strikes a balance between optimism and pessimism. It argues that Muhammadu Buhari would work according to the dictates of democratic norms, but the exigencies of politics, economy and society are likely to compel him to navigate outside expected democratic practices. To sum up, this school of though suggests that political expediency would determine where the wind blows between military culture and democratic norms.

It is important to note that the first school was dominated by the party supporters and loyalists of Muhammadu Buhari, educated elites and moderately enlightened Nigerians, who believe that the political system always work itself out from any slide to martial culture. The second school is championed by opposition political parties, particularly the biggest opposition party, the PDP, and the fraction of the Northern and Southern elites, who abhor Buhari for what one can call his 'misdeeds' of the past, which from their vantage point either negatively affected their economic or political

interests. The third school of thought premised its standpoint from the complexities of governance in Nigeria's pluralist society. It advances the argument that leadership in a complex setting like Nigeria requires somewhat a mixture of 'carrot and stick' or 'lion and fox', to use a Machiavellian phrase. Hence, for the effective realization of change, it is not out of 'order' to use the sharp edge of the knife of power occasionally and vice versa in order to achieve a maximum outcome.

In any case, although the President of Nigeria in the period covered in this paper steered the leadership of the country with draconian Decrees and a fascistic approach to civil society's outburst of opposition, his leadership under the garb of democracy since 2015 cannot be paralleled with his past proclivity. But it is not out of sight to emphasize at the outset that one of the legacies of military rule in Nigeria has been the creation in the psyche of some of today's public officers to stay in power, sometimes by all means possible. This phenomenon has cascading effects on public officers operating under the garb of democracy to exhibit tendencies that are reflectively militaristic (Jega, 2001). On his part, President Buhari does not have the political ambition of staying in power beyond the constitutional limit. Relative to President Olusegun Obasanjo during whose tenure the country saw political assassinations of frightening dimensions and assault on political opposition within his ruling PDP and outside it (Mohammed, 2019), the Buhari admisntration to date has demonstrated a serious breach of political and civil rights. Like President Obasanjo before him, President Buhari's 'born again' democratic credentials have also been tasted considerably with the passage of time.

There appears to be serious tension in the mind of the Nigerian state between national sovereignty and the application of internationally recognised human rights in the case of the Al-Zakzaky Shiites and Nnamdi Kanu's Indigenous People of Biafra (IPOB). This explains why the government turned deaf ears on local and international calls for the release of the leaders of the movements. Even when the Nigerian government bowed to pressure and eventually released Kanu on bail, it denied the same treatment to Al-Zakzaky despite

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numerous court orders. Both cases border on national security, but the human rights violations that were meted out on members of the movements are examples of   the use of brutal force by the state under the cover of preserving peace and order and the corporate existence of the country.

The practice of suppressing social movements with religious or separatist agenda and community militancy predated the President Buhari admisntration. It can be traced back to the Obasanjo administration starting its encounter with Odi and Zaki Biam communities, and later the security response to the incipient Boko Haram backlash with the police during the tenure of President Umaru Musa Yar'adua in 2009. The spate of this practice survived to the Buhari admisntration essentially because of the circumstantial security experience, which goes beyond the implications of the debilitating condition of the tripod of security dilemma the government is faced with. These are: fighting Boko Haram in the Northeast, addressing the growing popularity of the separatist movement in the Southeast and its resultant negative impact on national integration, and finally, the deterioration of the economy due to the global shock in the price of crude oil and its social and economic effects, which have heightened community conflicts, herders versus farmers skirmishes, soaring banditry in the Northwest and North central states and other pockets of associated security challenges in the country.

First of all, with regards to fighting insurgency and counter-terrorism activities, local and international media agencies have reported that one of the collateral damages of fighting the insurgents in the Northeast has been the abuse of the rights of innocent people in the affected states. This situation is not different from what it used to be before the Buhari administration. For example, between 2013 and 2014 alone, Amnesty International reported that the military had arbitrarily arrested at least 20,000 persons in the conflict-ridden Northeast. This has continued since the return of power of President Buhari's ruling APC government in 2015. However, what is unique about the administration is its failure to address the challenge within the context of the government's noble call for   change in every

aspects of life, including civil-military relations, within the context of rule of the law.

 The result of the failure to address the challenges of fighting the insurgency within the defined rules of military engagement is the continuous infringement of the rights of innocent civilians in the face of the insurgency in the Northeast. The situation in Internally Displaced Persons camps is not helping matters. There, the stories of the abuse of thousands of displaced females by soldiers and humanitarian aid workers at designated "satellite camps" in exchange for food are common (Adebayo, 2018; Mohammed, 2019b). Worse still, for the administration, the state and federal Panels of inquiry investigating the security agencies do not always help matters. If anything, some of the panels have apparently proved to be a mock-screen intended to muzzle pressure of calls for the rule of law.

Investigative panels of inquiry set up to investigate human rights abuses do not always make their findings public or are not seen to have influenced positive change in new rules of engagement for the Nigerian security to allay the fears of the society. Thus, as aptly captured by the United Nations Special Rapporteur on extrajudicial or arbitrary execution, Agnes Callamard, lack of effective investigation and the absence of meaningful prosecution are some of the challenges of observing the rights of innocent civilians in the Northeast (cited in DW's Conflict Zone, January 29, 2020). The situation is not much different in the Niger Delta region or other places where encounters with the military and civil society have portrayed a gloomy picture of human rights record. As at December 2019, it had been reported that the Nigerian Navy alone had detained over 150 citizens for several months without trial for undisclosed criminal cases. Although some of the detainees were released, no fewer than 67 others were still held incommunicado in Lagos (Falana, cited in *The Cable*, 2019)

Beyond the context of fighting insurgency or military encounters with the civic populace, panel recommendations that do not appeal

to the government are ignored, sometimes to the point of disregarding court orders, as in the case of one of the recommendations made in respect of the demolition of the house of Elzakzaky by the Nigerian Army. In a democracy, the court stands for the rule of law. It interprets the law and justiciably adjudicates on any conflict between the arms of the government, society and individuals. Disregard of court orders by any arms of government or institution is tantamount to insulting the principle of the supremacy of the law. This implies that respecting court orders in a representative democracy is a reflection of keeping one of the tenets of democracy, that is, the principle of checks and balances. Either consciously or unconsciously, the Buhari administration disrespects such orders serially, a poor political culture that relegates the beauty of democracy to the background. It is ironic to note that in one of the brazen disregards of the rule of law, Sambo Dasuki, who was facing multiple trials for the alledged diversion of $2.1 billion meant for the purchase of arms under President Jonathan's administration, was detained for four years despite being granted bail by different high court judges. Even the court of the Economic Community of West African States (ECOWAS), which awarded N15 million as damages against the government on the case, declared Dasuki's arrest arbitrary and unlawful (*Premium Times*, October 4, 2016). Such was also the case of Sheikh Al-Zakzaky and his wife, Zeenat, who were detained following the Shiite protest of December 2015 and denied bail granted to them by courts.

By frequently disobeying court orders, the government has called into question its claim for change and deepened democratic ethos, particularly in the eyes of international stakeholders. The case of Omoyele Sowore, who was arrested and detained by the DSS for organising a protest captioned "Revolution Now", is a pointer to this challenge. Sowore was accused of plotting to overthrow a democratically elected government. His arrest and eventual detention sparked agitation for the release of many others in police custody. Indeed, Civil Society Organizations (CSOs) have galvanized international sympathy for the plight of those arrested or detained by the Nigerian security operatives, pointing at abuse of power and contempt for the rule of law as the chief motivating

factor. One of the CSO groups, comprising the CISLAC, the Nigeria Labour Congress (NLC), Youth Initiative for Advocacy, Growth and Advancement (YIAGA), Centre for Democracy and Development (CDD), Echoes of Women in Africa Initiative (ECOWA) and the CLEEN Foundation, bemoans the paradox of Buhari government's slipping into repression, when it averred that: "Nigerians believed that the administration, which received the people's mandate for another four-year term would reciprocate their goodwill and trust, as well as commit to expanding citizen's engagement in a liberal democratic space" (quoted in *Guardian* August 7, 2019). Unfortunately, the group adds that what Nigerians get as payoffs are massive violation of media and people rights, suppression of press freedom and freedom of association.

The Socio-Economic Rights and Accountability Project (SERAP) went far by writing to the United Nations Human Rights Council, urging the world body to convene a special session dedicated to the situation in Nigeria over arbitrary arrests and repression by the police and other security agencies. It also unequivocally expressed dismay over what it called the government's use of paid protesters, who earlier besieged the Abuja office of Amnesty International urging it to leave the country. In a letter addressed to the United States Department of Justice, Senator Chuck Grassley, the highest US lawmaker, called the attention of his government to the spate of human rights abuses in Nigeria. He questioned the rationale behind the decision of his country to return the sum of the $320 million so-called Abacha loot to Nigeria, a move that added flavor to the ongoing local protest by CSOs and eventually compelled the Nigerian government to release Sowore alongside the former Security Adviser, Sambo Dasuki, belatedly in December 2019.

The pressures mounted on the government over illegal detention yielded fruit. It was in response to this success story that the People's Alternative Fronts (PAF) launched a national campaign against the illegal detention of Nigerians by the security agencies in the country. The campaign, which started in the wake of the release of Sowore and Dasuki urged Nigerians whose families, friends and loves ones languished silently in detention, to contact the

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organization. It was in response to the pressure mounted by the CSOs that detainees like Deji Adeyanju, who was arrested for leading a protest against police bias ahead of the general election, and Ikenga Ugochinyere, who was charged on four counts of defamation of the character of the Speaker of House of Representative, Femi Gbajabiamila, were released. Other persons discharged were Agba Jalingo, Johns Abiri and Ibrahim Dan-Halilu, among many others.

The result of the disregard of court orders and the indifference of the government on police and military repression could easily be regarded as a sign of government's satisfaction with its approach. Worse still, the personal attitude of President Buhari of being silent on boiling matters bordering on human rights abuses does not help matters. It essentially creates room for all kinds of speculation about the governance process. Specifically, with the further extrajudicial killings of innocent souls with impunity by the security operatives in the country, as was the case of killings and mass burial of at least 300 members of Shiite sect in December 2015 and at least 150 peaceful IPOB activists (Human Rights Watch, December 22, 2015; Amnesty International, November 24, 2016), it downs on Nigerians that the era of the abuse of protest movements and their leaders is not coming to an end with the administration's change mantra.

In fairness to it, the Buhari administration has professed belief in the rule of law unlike its predecessor civilian administrations in Nigeria's Fourth Republic, particularly when it sought for the autonomy of the judiciary, the State and National legislatures as well as local governments on financial matters. This idea heralded the signing of the Executive Order No.10, which calls for the financial independence of the Judiciary and the Legislature from the executive and sought for complete local government autonomy on fiscal matters. Therefore, by reaffirming the position of the Constitution on these matters, regardless of the resistance of state Governors, who ironically pressurized the federal government to suspend the Order, the administration demonstrated its readiness in ensuring the practice of constitutionalism. Nevertheless, for most of the periods covered in this paper, the ruling APC's change mantra

on issues of freedom of speech and association has remained a mirage.

Thus, unlike its immediate predecessor administration of President Goodluck Jonathan or a little further the President Yar' adua administration, nowhere have the suppression of peaceful agitation and protest and freedom of association and speech suffered a serious threat as in the Buhari administration. The claims of observing the rule of law and freedom of expression are sometimes contradicted by the actions of the government, thereby limiting the democratic space for engagement with civil society. In most cases, government's initial tolerance of dissenting voices was replaced with actions akin to martial culture that reminds Nigerians of the heydays of military rule. This is exemplified by the number of arrests, detentions or molestations of journalists are critics and the clampdown on media houses, Table 1:1 below shows the number of detentions or arrests made illegally from 2015 July 2020.

Table 1.1: Persons Detained and their Rights Abused from
December 2015 - July 2020

S/N	Name of Detainee	Date of Detention	Reason for Arrest/Detention/arraignment	Affiliation
1	Sambo Dasuki	December 2015	Arrested for allegedly stealing $2.1 billion arms deal. Charged for treason, money laundering and harassing the President	Former National Security Adviser under President Goodluck Jonathan
2	Ibrahim Yakubu ElZakzaky	December 2015	He was among hundreds of people arrested. El-Zakzaky and his wife were charged with culpable homicide and various offenses including the murder of a shoulder	Leader of the Islamic Movement of Nigeria (IMN)
3	Zeena Yakubu Elzakzaky	December 2015	Arrested together with her husband, Ibrahim Yakubu El-Zakzaky for the same reasons indicated above	Wife of the leaders of the Islamic Movement of Nigeria (IMN)
4	Jacob Dickson	April 2016	Wrote a story which 'offended' Governor Nasir El-rufai	A reporter with Authentic Daily Information
5	Jones Abiri	July 2016	Charged with terrorism, sabotage and cybercrimes	Journalist, editor and publisher of Weekly Source in Yenagoa, Bayelsa State
6	Johnson Suleiman	January 2017	Criticized Federal Government over the killings by herdsmen in the country	Head of the Omega Fire Ministries in Kaduna State
7	Dapo Olorunyomi	January 2017	Arrested after Premium Times turned down the army's request to retract news stories about the Nigerian Army and its operations	Premium Times Newspaper Editor in Abuja

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8	Everyone Olorunyomi	January 2017	Arrested together with Dapo Olorunyomi after police stormed Premium Times head office over operations of the Nigerian Army	Premium Times Judiciary Correspondent
9	Usman Okai Austin	April 2017	Arrested for circulating reports of Governor Yahaya Bello's alleged inflation of contract to acquire vehicles of the NSCDC	A blogger and political activistin in Kogi State
10	Bolouere Opukiri	June 2018	Criticizing the Vice President, Yemi Osinbajo and First lady, Aisha Buhari on Twitter	Employee of the Presidential Amnesty Office, Abuja
11	Samuel Ogundipe	August 2018	Arrested by SARS over a report on the former Inspector General of Police, Ibrahim Idris	A Premium Times Reporter
12	Buba Galadima	February 2019	Arrested barely 24 hours after Presidential and National Assembly elections for alleged video clip where hew was speaking on the results of the elections released so far	PDP opposition party stalwart
13	Idris Abdul'Azeez	May 2019	Criticizing the Buhari administration during his periodic sermons	A Bauchi-based Islamic Cleric
14	Aminu Usman (a.k.a Abu Amimar)	May 2019	Invited for questioning by the DSS after preaching during which he criticized Buhari's administration over the worsening insecurity across the country	Katsina- Based Islamic Teacher
15	Stephen Kefas	May 2019	Arrested on the orders of Governor Nasir El-Rufai for reposting a Facebook article by Sahara Reporters exposing the detention of the "Kajuru 9" elders.	An activists and Known critic of Kaduna State Governor, Nasir El-rufai. Arrested in Portharcourt, Rivers

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				State
16	Festus Adedayo	June 2019	Being critical in his writings on the APC -led Government	Journalist
17	Isa El- Buba	June 2019	Arrested after a controversial sermon which went viral, calling for Nigerians to use their voter's card to ensure the Buhari Government was not elected in 2019	Pentecostal Pastor - General Overseer of the Evangelical Outreach Ministries International, Jos Plateau State
18	Abubakar Idris (a.k.a Dadiyata)	August 2019	Vocal Critique of Kano State Governor, Abdullahi Umar Ganduje	A popular blogger on Twitter, seized form his home in Kaduna State
19	Owoleye Sowore	August 2019	Involvement in the" # Revolution Now" protest which sought to call attention the misgovernance in the country	The Publisher of Sahara Reporters
20	Olawale Bakare	August 2019	Co-accused with Owoleye Sawore	Sahara Reporters
21	Ibrahim DanHalilu	August, 2019	Wrote a Facebook posting expressing support for the "#Revolution Now" campaign	A former Editor with daily Trust, residing in Kaduna State
22	Sunday Japhet	August 2019	Allegedly insulting President Buhari, Vice President, Yemi Osinbajo and the IGP on his Facebook page	A Police Inspector with Yobe State Police Command
23	Agba Jalingo	August 2019	Criticized Governor Ben Ayade of Cross River State in a Newspaper article	Journalist, publisher of the privately owned news website "Cross River Watch"

24	Nastura Ashir Sharif	June 2020	Led a protest by his Group in Katsina over insecurity and armed banditry and alleged defaming of the spokesperson of the President, Mr. Femi Adesina	Chairman, BoT of the Coalition of Northern Groups (CNG)
25	Saint Mienpamo Onitsha	May 2020	"Unfavourable" news reporting	Founder of Naij Live TV, an Independent news website in Yenagoa, Bayelsa State. Arrested in Abuja
26	Lance Corporal Martins Idakpein	July 2020	Detained for criticizing the service chiefs over the rising spate of insecurity in Nigeria in a viral video over the handling of Boko Haram insurgency. His wife was later detained and released on August 27 2020.	Army from 8 Division of the Nigerian Army in Sokoto
27	Joy Nunieh	July 2020	Policemen laid siege to her house in Portharcourt to prevent her from leaving for the Airport to travel to Abuja to testify before the NASS on crisis in NDDC	Ex- Acting Managing Director, NNDC
28	Dr. Obadiah Mailafiya	August 2020	Invited by DSS for questioning following an interview he granted to an Abuja-based Radio FM during which he alleged, among other things, that a current Governor was backing Boko Haram	Former Deputy Governor of CBN

| 29 | Ghali Umar Na'Abba | August 2020 | Invited by DSS for questioning over a statement he made during an interview grated to Channels TV on Thursday 13th August 2020. | Former Speaker, House of Representatives and Chair, National Consultative Front (NC Front) |

Compiled by the author from various Newspapers

Clearly, it is important to note that a combination of several factors account for the increase in the rate of the abuse of freedom of speech, as indicated in Table 1:1 above. The media is flagrantly abused for its criticisms of government policies, especially on the lingering insecurity and celebrated cases of corruption within government circles. It is imperative to note that attacks on freedom of speech are also not a new experience in Nigeria. However, what is new is the alarming rate of such actions by a ruling party that profoundly benefited from the principle when it waged peaceful agitations and protests to sensitize the general public and galvanize support, as was the case of the "Save Nigeria Group" protest against the fuel increase during the administration of President Jonathan in 2012. In deed, what further aggravated human rights abuses since 2015 is the condition of the economy and the frustration of the regime over what can be regarded as the 'unfulfilled contract' of engendering the change promised to Nigerians. The decline in oil revenue, which affected the 2015 budget and subsequent budgetary allocations, has had negative spillover effects on the government's ability to provide social infrastructure.

The overall impact of this dilemma and the rentier nature of the crude oil economy in the country, in the absence of a promising economic diversification, has been a major challenge of implementing the change mantra. This is not surprising because weak economic performance and rising inequality always exacerbate the problem of the abuse of power (Diamond, 2015). Compounded by the frustration of the lingering insecurity in the Northeast and the simmering activities of bandits and frequent outbursts of the pastoralists versus farmers conflict, the economic exigency

confronted by the government has questioned its ability to fast-tract change (Paden, 2016; Anwar, 2019). Opposition voices have been on the rise, so too do individuals, journalists and groups that feel highly short-changed become restless in their criticisms of the government. These stakeholders, alongside social media users, have brought to the front burner of national discourse public issues that often influence public agenda. The DSS and the police reacted to this by arresting and detaining journalists, political opposition and media houses that are very critical to the government, particularly before the general elections in 2019.

Table 1.2: Years of Arrest/Detention/ Invitation of Persons by Security Operatives in Nigeria

S/N	Year	Number of Cases	Percentage
1	2015	3	10%
2	2016	2	7%
3	2017	4	14%
4	2018	2	7%
5	2019	12	41%
6	2020	6	21%
Total		29	29

Compiled by the author from various newspapers, August 2020.

 Table 1.2 above shows the percentage of arrest, detention or invitation for questioning by the security operatives in Nigeria from December 2015 - August 2020. It shows a rise by the security operation by 41 % in 2019, 21% in 2020, 14% in 2017 and 10% in 2015, respectively. The lowest points were in 2016 and 2018, with a total of 7 % each. Between January and July 2019 alone, a Civic Technology Platform that tracks attacks on journalists in the country, Press Attack Tracker (PAT), reported that at least 36 journalists were attacked, with 30 of the attacks recorded during the 2019 elections, and 44 other broadcasts stations sanctioned for what the Nigerian Broadcasting Corporation (NBC) described as 'inciting broadcast' or 'promotion of 'hate speech' (cited in *All Africa,* July

10th 2019). The bill has also been condemned even by the ECOWAS court for failing short of meeting the expectations of the Universal Declaration of Human Rights (UDHR) and the Nigerian Constitution (Law and Society, November 28, 2019). A similar bill, Internet Falsehood and Manipulation Bill, targeting Internet users was introduced in 2019. It seeks to regulate the messages being posted on the Internet.

Bar Chat 1:1. Depicting the Rate of Cases of Arrest/Detention/ Invitation of Persons by Security Operatives from 2015-2020
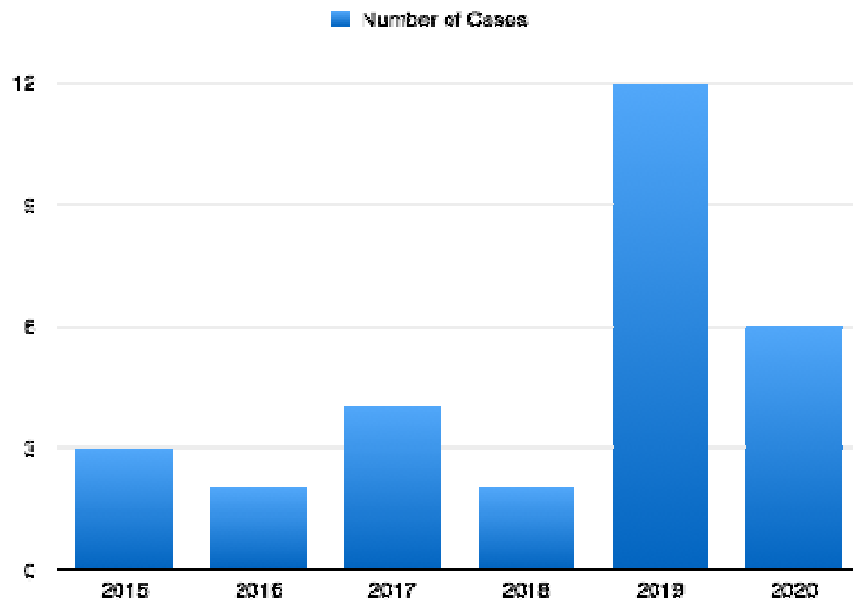
As the Bar Chat 1:1 above shows 2019, being the year of a general election, with the highest number of arrests or detentions. This was followed by 2020, in a way a unique year globally largely because of the rampaging COVID-19 pandemic with its untold economic hardship and the rising levels of poverty. The situation engendered disenchantment and hopelessness. That is not all. The COVID-19 lockdown period increased the crisis of the global economy. In Nigeria, the capacity of households to cope with the challenges of keeping body and soul together proved to be at its lowest ebb,

regardless of the muc touted federal and state government palliatives. Consequently, old forms of social and economic distress coalesced with the emergent ones and increased the frustration of Nigerians. Boko Haram attacks and the activities of bandits and kidnappers unemployment increased exponentially, leading to further outcries for government's speedy response. In one of the expressions of displeasure with the overwhelmed federal government, the Coalition of Northern Groups (CNGs) staged a peaceful protest in Katsina to draw the attention of the government about insecurity and banditry in Northern states. The leader of the protest, Nastura Ashir Sharif, was arrested shortly after and moved to Abuja for questioning. He was freed after two-day police captivity on June 18, 2020.

The security situation in the country became very precarious, as projected in local and international dailies and reports of human rights organizations. One of these reports is from Amnesty International, which said that 1,126 Nigerians were killed within the short space of eight months by gunmen across the Northern states between January and August 2020 (*Nigerian Tracker*, August 26, 2020). This has resulted in public outcries and the demand for government's proactive response. One of the public outcries was the call from different quarters in the country, including the 9th National Assembly, for the change of Chiefs of Army Staff (COAS), a demand that the President has turned a deaf ear to. The Chiefs have outlived their tenure and apparently become helpless in addressing the lingering security challenges in the country. It was in the face of these revolving crises of rising expectations and near dashed hopes that the year 2020 exposed the paradox of the President Buhari administration in its relations with civil society.

Human rights abuses in Nigeria are also the consequences of the ruling class political expediency. Specifically, until recently, there has not been a particular law in the Fourth Republic that targets the fundamental rights of citizens, as was the case military rule, but policy frameworks and actions have demonstrated that power is often used to target the rights of individuals and groups. The 8th National Assembly had hitherto intended to pass the NGO Regulatory Commission to constrain the registration of civic

association through rigid technicalities, but the effort was unsuccessful. If not because the bill was vehemently resisted by CSOs, it would have been easier for the government to suspend or withdraw the certificate of registration such organizations on the flimsy excuse of their violating the conditions attached to the issuance of the certificate in the first instance (Mohammed, 2018). However, the eventual introduction of the Hate Speech Bill to curb freedom of expression is a clear testimony to the government's renewed assaults on the media. The bill provides that media houses stand the risk of a fine to the sum of N500, 000 if they air hate speech and spread fake news. The fine, which has been captured in the reviewed broadcasting code of the National Broadcasting Commission (NBC), was raised to N5 million in August 2020. It is within this context that some media houses have had a running battle with the NBC on the obnoxious law. They were fined or their licenses suspended on the allegation of promoting "hate speech", as was the case of Breeze 99.9 FM, Lafiya, Fresh 105.9 FM, Ibadan, Oyo State and Jay 101.5 FM in Jos, Plateau State, among others. The law, though essential in reducing hate speech and tension in a plural society like Nigeria, where the stakes of politics is very high and the tendency to heighten the division of the society along idiosyncrasies is always a source of concern, is outrageous. It stands the possibility of gagging the media and regulating the flow of information and public enlightenment.

What is most striking since 2016 has been the steady rise in the number of cases of the arrest or illegal detention of persons. It is within the provisions of these laws that in 2019 alone Amnesty International had it that a total of 19 journalists were arrested or detained illegally (cited in *Vanguard*, October 14, 2019). They became the targets of the DSS and the police and were sometimes also harassed by the Nigerian Army. Despite the signing of the Freedom of Information Act (FOI) in 2011, which gives a legal right of access to information, records and documents, access to news is not without some roadblocks. The public service or bureaucracy has made it impossible to access information, leading to investigative journalists' restness in ensuring that information gets across to the public come what may.

Journalists with news reports that are not acceptable to the government at state and federal levels risked arrest and interrogation by the security operatives for inciting the public. Some clerics that criticized the government during their sermons in Churches and Mosques were invited for questioning. The same reaction was the experience of prominent citizens and politicians like one-time Speaker of the National Assembly, Alhaji Ghali Umar Na'Abba, and the former Deputy Governor of the Central Bank of Nigeria (CBN), Dr. Obadiah Mailafiya. Other people arrested are journalists, bloggers and social media users with a strong appetite to attack the government on where it hurts most. Among the latter category of arrest or detention are those who were apprehended filming police brutality, taking photos of brutality by state officials, posting graffiti or blogging on facebook and refusing to disclose information or news sources. The saddest abuse of human rights are those who stigmatised and harassed for investigative journalism, whistleblowing or cyber-stalking for corruption involving public officials.

Furthermore, another salient abuse of human rights following the return to civilian rule in Nigeria in 1999 has been the allegation of police complicity in election rigging and other electoral misconduct. Until recently, the Peoples Democratic Party (PDP) has been notorious of abusing the right of people to select their leaders through a free, fair and credible electoral process. Among other numerous examples, the 2007 and 2011 national elections represented to Nigerians what can be called ghost elections. By the standard of international communities, the charade elections are nothing short of the rape of democracy. In particular, the Ekiti State re-run election of 2009 typified the recklessness with which political parties connived with the security to cheat in elections and rob the citizens' mandate. Ruling parties at state and federal levels also employ the same obnoxious practice with varying degrees of intensity today.

To date, the stolen mandate has become one of the greatest challenges of establishing a genuine foundation of democratic values in leadership selections. The closeness of achieving electoral

sanity was made in 2015, when the outcome of that year's elections was considered relatively peaceful, credible and fair. Since then, the country has been witnessing a gradual reversal to the old practice of manipulating the electoral process by the ruling party at various levels of governance. In some cases, the heightened electoral misdemeanor is ironically state-sponsored and essentially intended to garner political advantage for the ruling party. In some other cases, as the recent past experiences suggest, the declaration of elections inconclusive following electoral violence or irregularities by the electoral umpire gives room for election maneuverers to hijack the election in their favor. This phenomenon has put freedom of choice under a serious threat. Neither the PDP nor the APC that came into power with the promise of change is insulated from this mode of political behaviour, which has dire consequences on the rights of people to choose their leaders. The ongoing crass competition for power with its associated plots by both parties to manipulate the process and secure electoral victory in the forthcoming gubernatorial elections in Edo and Ondo States in September and October, 2020 respectively has already shown a red light for people in the states to choose their leaders in a free, fair and credible electoral process. This is not surprising because where power corrupts, abuse becomes apparent. State executives whose critics have become a thorn in their flesh often reacted with unimaginable degrees of human rights abuses.

In some states, human rights are underreported because of the repressive disposition of some Governors and the fact that the media pays attention to national issues. The Governors of Rivers and Kaduna States are notorious of the brazen display of power against civil society. They flouted court orders at will and use security operatives to assault critics. For example, Governor Nyesome Wike designed an executive order granting him the power to enforce a COVID-19 lockdown in Rivers State. Using the order, he abused his power by demolishing two hotels for what he called 'breach of rules' meant to contain the coronavirus. This is to suggest that overbearing state Governors are also a source of concern for the country's record of human rights violations. What is very sympathetic to Nigeria's current deteriorating state of human rights

record is the fact that more has to be done by those that steer the leadership of the country in order to raise the confidence of Nigerians. The fact that recently a one-time Minister of the federal republic, Femi Fani Kayode, assaulted a journalist with the *Daily Trust* for daring to ask him a question is a testimony to the fact that Nigeria needs to build strong institutions and not powerful individuals.

The Lessons Learned for Democratic Consolidation
Human rights abuses in Nigeria predate Buhari's administration and have been happening for a long time. The rapid number of cases of arrest and detention by the DSS and the police today is what makes the difference between his administration and others before him. This situation calls for, on the one hand, a change in the political culture of leaders at all the levels of governance and civil society, and, on the other hand, it necessitates the need for civil society to sustain its track record of challenging the state on human rights abuses. The obvious lesson from this challenge reinforces the point made earlier that human rights are not given but always taken through constant struggles. For this reason, civil society organizations have to strengthen their capacity resourcefully and organizationally to continue to prod the Nigerian state on governance with a human rights approach.

Most of the breaches of civil and political rights occurred in the period of the general elections and heightened insecurity, with security operatives usually found to be complicit of abuse. The change mantra and the much-celebrated 'Change Begins with me' campaign by the government render civil and political rights vulnerable to abuse. Like the change mantra campaign, its sister "Change Begins with me" crusade has gradually fizzled out and become a political smokescreen with no significant change in the area of human rights promotion and protection. This explains why some state Governors, from different poles of the political divide, are also notorious of human rights breaches. This phenomenon also suggests that Nigeria has not successfully experienced uninterrupted democracy for nearly 21 years. For enviable democratization requires not the 'big men' in power but the institutionalization of

democratic culture. The huddle to cross is much more challenging, as it affects meaningful change in the actor's perception of power relationships.

The case of Nigeria reinforces the views held by scholars on human rights standard and political development that democracy is not always a guarantee to safeguard fundamental rights. It further supports the view, which states that, in a situation of incessant abuse of the freedom of persons, political legitimacy tends to be on the decline, regardless of the political credibility or integrity of the leader in power. There is the need for a state led by a leader with a track record of honesty to match his leadership style with responsiveness and accommodating dissenting voices. This condition creates avenues of reaching a common ground on political issues that affect national development. The case of Nigeria under Buhari's administration typifies a government with promising credentials to preserve the rule of law and constitutionalism, as well as the promotion of human rights because the President's gateway into the corridor of the power has been attested popular. Unfortunately, circumstantial, political and economic exigencies and the manner of state responses to these have negatively impaired the process of governance. These challenges invariably call for the government to fulfill its part of the contract with the society by promoting and protecting the fundamental freedoms of its citizens.

The expectation of change from the government that promised it to the society covers not only the issue of economy, politics, corruption, election and civil military relations per se, but also the observance of the rule of law and respect of the fundamental freedom of persons. The disillusionment created in the minds of citizens over the challenges encountered by the Buhari administration to translate its visionary change on the pattern of human rights, at least since 1999, has further ruined its capacity to sustain the initial confidence reposed in it by the society. In addition, the scenario also shows the need for politicians in the country to internalize the values of tolerance, accommodation and participatory governance. Imbibing these noble qualities will enhance mutual confidence and trust between the state and society.

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Conclusion

It is important to conclude by pointing out that human rights violation in Nigeria predates President Muhammadu Buhari's admisntration and is not limited to the federal government alone. The future of Nigeria's democracy and its consolidation lies in strong institutions of horizontal accountability and the internalisation of democratic values among public officers and civil society. In this sway, the 'obligation' approach to human rights can make a lot of differences in changing the face of governance, thereby instilling the culture of respect for human dignity, rights and freedoms. The original sin of President Buhari administration was its promise of change that turned out to be a political gimmick. The mantra has changed the state-society relations for the worst in the promotion and protection of civil and political rights. The little successes recorded in this area of human rights since 1999 appear to be on the reverse today, a situation that urgently calls for the need to imbibe the culture of respecting the rule and supremacy of the law as well as achieving a common ground on issues that affect the development of democracy in the country. Although each federal democratic state has its peculiar challenges, however, some nation-states have gone a long way in addressing the dilemmas of respect for human rights. A federal state like India has leveraged on its pluralism and developed a modicum of participatory governance and respect for divergent political views as the biggest democracy today in developing societies. Nigeria stands the chance of becoming one for Africa if the country can resolve the fundamental challenge of leadership recruitment to ensure accountability and the responsiveness of those entrusted with power. The role of civil society and its associations in this process is very important. It is to further sustain the struggles for human rights and democracy, as well as continue working with relevant stakeholders in educating the general public on good governance and what it takes to have leaders with democratic mindsets.

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